



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

THE
Statutes at Large
OF
PENNSYLVANIA
FROM
1682 to 1801

COMPILED UNDER THE
AUTHORITY OF THE ACT OF MAY 19, 1887, BY
JAMES T. MITCHELL and HENRY FLANDERS
COMMISSIONERS

VOLUME XVI
1798-1801

STANFORD LIBRARY
HARRISBURG, PA.:

C. E. AUGHINBAUGH, PRINTER TO THE STATE OF PENNSYLVANIA
1911

234501



УДАЯЛИ ОБОИНАТЪ

PREFATORY NOTE.

The notes and index have been prepared under the supervision of the Commission.



The Statutes at Large of Pennsylvania.

CHAPTER MCMLXI.

AN ACT EXTENDING THE POWERS OF THE JUDGES OF THE SUPREME COURT AND COMMON PLEAS.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the supreme court and several courts of common pleas in this state shall have power, in any action depending before them, on motion, and upon good and sufficient cause shown, by affidavit or affirmation, and due notice thereof being given, to require the parties, or either of them, to produce books or writings in their possession or power, which contain evidence pertinent to the issue and if either party shall fail to comply with such order, and to produce such books or writings, or to satisfy said courts why the same is not in the party's power so to do, it shall be lawful for the said courts, if the party so refusing shall be a plaintiff, to give judgment for the defendant, as in cases of nonsuit, and if a defendant, to give judgment against him or her by default, as far as relates to such parts of the plaintiff or plaintiff's demand, or the defendant or defendants' defence, to which the books or papers of the party is alleged to apply.

Passed February 27, 1798. Recorded L. B. No. 6, p. 211, etc.

CHAPTER MCMLXII.

AN ACT TO EMPOWER WALTER CLARK, WILLIAM GRAY, AND WILLIAM WILSON, TO SELL AND CONVEY A CERTAIN LOT OF GROUND, IN THE TOWN OF LEWISBURG, IN NORTHUMBERLAND COUNTY, AND FOR OTHER PURPOSES.

Whereas Lewis Derr, late of Buffalo township, in Northumberland county, deceased, by his indenture, bearing date the twenty-sixth day of March, one thousand seven hundred and eighty-five, for the uses therein mentioned, did grant to Walter Clark, William Gray and William Wilson, three contiguous lots of ground, situate in the town of Lewisburg, in Buffalo township, Northumberland county, and marked in the general plan of said town, and numbered forty-two, forty-four and forty-six, each of them containing in breadth on Market street sixty-five feet, and in length one hundred and sixty-five feet, bounded on the south by Market street, on the west by Front street, on the north by Cherry alley, and on the east by lot number forty-eight, to them, in trust for the sole use and benefit of the Presbyterian congregation of Buffalo, for the purpose of a burying ground. And whereas the said Walter Clark, William Gray and William Wilson, have set forth, by their petition, that divers inhabitants, within the bounds of said congregation, have interred their deceased friends in lot number forty-eight, adjoining the lots hereinbefore described, therefore, they pray the legislature to enable them to sell and convey lot, number forty-two of the aforesaid grant, in which no deceased person has been interred, and to purchase the lot number forty-eight, which the inhabitants have heretofore occupied as a burying ground. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That Walter Clark, William Gray, and William Wilson, shall be, and they are hereby, authorized and empowered to sell, and by deed, under their hands and

seals, convey and assure the lot number forty-two, in the town of Lewisburg, in the county of Northumberland, with the appurtenances, as fully and effectually, as if no special trust or purpose had been set forth or declared in the grant thereof, and to purchase the adjoining lot number forty-eight, with the moneys arising from the sale of lot number forty-two, in trust for the sole use and behoof of the Presbyterian congregation of Buffalo township, Northumberland county, aforesaid.

Passed February 27, 1798. Recorded L. B. No. 6, p. 211, etc.

CHAPTER MCMLXIII.

AN ACT TO PROVIDE FOR DEFRAYING THE EXPENSE OF SURVEYING FIVE TRACTS OF LAND, HERETOFORE GRANTED TO CORNPLANTER, A CHIEF OF THE SENECA NATION.

Whereas Alexander McDowell has duly surveyed sundry tracts of land, heretofore granted by law to Cornplanter, a chief of the Seneca nation, in doing of which he incurred considerable expense. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the comptroller and register general be, and they are hereby, authorized and required to settle the accounts of Alexander McDowell, for sundry services in surveying several tracts of land, heretofore granted to Cornplanter, a chief of the Seneca nation, as well as for certain expenses attending the same, and to make such allowance therefor as they may deem reasonable.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That upon such settlement and allowance being made, the same shall be certified by the said comptroller and register general to the governor, who shall thereupon draw his warrant upon the state treasurer, in the manner

directed by the act, entitled, "An act to provide for the settlement of public accounts, and for other purposes therein mentioned," passed the fourth day of April, one thousand seven hundred and ninety-two,¹ which warrant shall be paid out of the funds appropriated for the support of government.

Passed February 27, 1798. Recorded L. B. No. 6, p. 212, etc.

CHAPTER MCMLXIV.

AN ACT FOR ALTERING CERTAIN ELECTION DISTRICTS IN THE COUNTY OF BERKS.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the townships of Robeson, Brecknock, Carnarvan, and part of Union township, beginning at a white oak stump on the Chester and Berks county line, at or near a place known by the name of John Davis' improvement, from thence in a straight line to Six-penny mill, on Six-penny creek, and from thence in a straight line to the bank of the river Schuylkill, to a corner of Robert A. Farmer and John Harrison's lands, are hereby erected into a separate elections district, and that the freemen of said district shall hold their general elections at the house now occupied by Philip Marquart, in Robeson Township.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That that part of Union township, which lies southeast of the above described line, shall hold their general elections at the White Horse tavern, in Amity township, anything in any former act to the contrary notwithstanding.

Passed February 27, 1798. Recorded L. B. No. 6, p. 215, etc.

¹Chapter 1627.

CHAPTER MCMLXV.

AN ACT FOR ALTERING THE PLACES FOR HOLDING ELECTIONS IN THE FOURTH DISTRICT IN THE COUNTY OF DAUPHIN.

Whereas it has been represented to the legislature, by petition from the inhabitants of Upper Paxton, in the county of Dauphin, that the place of holding their elections is uncentral and inconvenient.

[Section I.] (Section I, P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the freemen of the fourth district in the county of Dauphin shall, from and after the passing of this act, hold their general elections at the house now occupied by Adam Bender, in the township of Upper Paxton aforesaid, anything to the contrary thereof in any former law notwithstanding.

Passed February 27, 1798. Recorded L. B. No. 6, p. 216, etc.

CHAPTER MCMLXVI.

AN ACT FOR THE RELIEF OF DAVID JONES.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the commissioners of the county of Philadelphia shall cause a suit to be instituted against David Jones, late collector of public taxes in Blockley township, in said county of Philadelphia, in the same man-

ner and for the same purposes as is directed by the act, entitled, "An act for the better ascertaining and making good losses of public money by robberies," passed the fourth day of October, one thousand seven hundred and eighty-eight,¹ and shall in all things conform themselves agreeably thereto, as if the said David Jones had been entitled to all and singular the benefits of the said recited act.

Passed February 27, 1798. Recorded L. B. No. 6, p. 216, etc.

CHAPTER MCMLXVII.

AN ACT EMPOWERING THE COMMISSIONERS OF WESTMORELAND COUNTY TO APPOINT ASSESSORS AND ASSISTANT ASSESSORS IN SUNDRY TOWNSHIPS THEREOF, FOR THE PURPOSE THEREIN MENTIONED.

Whereas it is enacted by the first section of the law for assessing and collecting county rates and levies, passed the seventeenth day of April, Anno Domini one thousand seven hundred and ninety-five, that assessors and assistant assessors shall be elected by the different townships in each county of this state, which, if neglected by the township, the vacancy shall be supplied by the commissioners of such county, agreeably to the twelfth section of the said act. And whereas it appears that a number of the townships in Westmoreland county have neglected to elect such assessors, and the commissioners of said county at that time did not appoint assessors and assistant assessors, or put the aforesaid law into execution, and doubts have arisen whether the present commissioners are authorized to make such appointments at this time. For remedy whereof:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by

the authority of the same, That it shall and may be lawful for the commissioners of Westmoreland county, immediately after the passing of this act, to appoint assessors and assistant assessors in the different townships of said county, agreeably to the twelfth section of the law for assessing and collecting county rates and levies, passed the seventeenth day of April, Anno Domini one thousand seven hundred and ninety-five, in the same manner as they could have made such appointments at the time particularly designated in the said act.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said commissioners, and the assessors and assistant assessors appointed by virtue of this act, to proceed in the same manner, and with the same powers, as if they had been appointed agreeably to the act, entitled, "An act to regulate the mode of assessing and collecting county rates and levies," passed the seventeenth day of April, one thousand seven hundred and ninety-five.¹

Passed February 27, 1798. Recorded L. B. No. 6, p. 215, etc.

CHAPTER MCMLVIII.

AN ACT FOR THE APPOINTMENT AND REGULATION OF CONSTABLES IN THE TOWNSHIP OF THE NORTHERN LIBERTIES, IN THE COUNTY OF PHILADELPHIA.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, the electors of the townships of the Northern Liberties shall, on the third Saturday in the month of March in each and every year, elect eight suitable persons, inhabitants of the

¹Chapter 1852.

said township, and return the names of the persons so elected to the next general court of quarter sessions to be held for the county of Philadelphia, and the said court shall appoint four of them constables for the said township, and if either of the said constables elected and appointed as aforesaid refuse or neglect to take upon him the office to which he shall be appointed as aforesaid, or in case of vacancy, by dismission from office for misconduct, death, resignation, or removal from the said township, the court may and shall appoint another proper person to serve the office of constable for and during the term, or residue of the term, which the person in whose room he shall be so appointed was entitled to serve.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That before any constable of the said township, elected and appointed as aforesaid, shall enter on the duties of his office, he shall become bound by recognizance, with two or more good and sufficient sureties, inhabitants and citizens of the said township, to be approved by the justices of the said general court of quarter sessions, for the faithful performance of the duties of the office, jointly and severally, in the sum of two hundred dollars, payable to the commonwealth, in trust for the use and benefit of all and every person or persons, who may be injured or aggrieved by the neglect or improper conduct of such constable, in the execution of the duties of his said office.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That if any constable or constables, elected and appointed under this act, or any person or persons, by his or their direction, shall, at any time hereafter, purchase on account or for the use of the said constables, or any of them, at his or their respective sales, any goods, chattels, wares or merchandises, taken in execution by the said constable, or any of them, and the same be proved, on the oath or affirmation of one or more credible witness or witnesses, before the justices of the said general court of quarter sessions, such constable shall forfeit and pay the sum of one hundred dollars, one-half for the use of the state, and the other for the use of the person, who shall inform of the buying aforesaid, to be recovered in any court of record within this state; and shall,

moreover, be incapable of holding the said office at any time thereafter.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That so much of the act, entitled, A supplement to the act entitled, "An act to extend the powers of the justices of the peace of this state," passed the thirteenth day of February, in the year of our Lord, one thousand seven hundred and ninety-six,¹ as relates to the election and appointment of an high constable for the township of the Northern Liberties, be, and the same is hereby, repealed.

Passed February 27, 1798. Recorded L. B. No. 6, p. 218, etc.

CHAPTER MCMLXIX.

A SUPPLEMENT TO THE ACT, ENTITLED, "AN ACT FOR INCORPORATING THE SOCIETY FORMED FOR THE RELIEF OF DISTRESSED AND DECAYED PILOTS, THEIR WIDOWS AND CHILDREN."²

Whereas the contributors to the fund for the purpose mentioned in the act, to which this is a supplement, were prevented from holding their general meeting on the second Monday in October last, by reason of the contagious sickness that then afflicted the city of Philadelphia and its suburbs, and it is deemed expedient to remove by law any inconvenience, to which the said corporation might be exposed in consequence thereof. Therefore:

[Section I.] (Section I. P. L.) Be enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the corporate character, and all the rights, privileges and immunities of "The Society for the relief of distressed and decayed pilots, their widows and children," shall in all respects be deemed to exist, and be enjoyed and en-

¹Chapter 1872.

²Passed September 29, 1789, Chapter 1461.

forced with like power and benefit, as if the contributors aforesaid had only held their general meeting on the second day in October last.

[Section II.] (Section II, P.L.) And be it further enacted by the authority aforesaid, That, from and after the passing of this act, the general meetings of the said society for the relief of distressed and decayed pilots, their widows and children, shall be held on the first Monday in June and December every year, and the managers and treasurer shall be chosen at their meeting in June annually.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That so much of the act, to which this is a supplement, as is hereby altered and supplied be, and the same is hereby, repealed and made void.

Passed February 27, 1798. Recorded L. B. No. 6, p. 213, etc.

CHAPTER MCMLXX.

AN ACT TO APPOINT A TRUSTEE IN THE COUNTY OF MIFFLIN.

Whereas, by an act passed on the nineteenth day of September, in the year one thousand seven hundred and eighty-nine,¹ John Stewart was appointed a trustee in and for the county of Mifflin; And whereas, since that time, the said Stewart has deceased, and that office thereby vacated:

[Section I.] (Section I, P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That David Boal is hereby appointed a trustee in and for the county of Mifflin, and is hereby invested with like powers and authorities, in every matter and thing whatsoever, that of right belongs to a trustee appointed for the county of Mifflin by any act heretofore enacted.

Passed February 27, 1798. Recorded L. B. No. 6, p. 214, etc.

¹Chapter 1456.

CHAPTER MCMLXXI.

AN ACT TO PROVIDE FOR THE ERECTION OF HOUSES FOR THE EMPLOYMENT AND SUPPORT OF THE POOR, IN THE COUNTIES OF CHESTER AND LANCASTER.

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That houses for the employment and support of the poor shall be erected in the counties of Chester and Lancaster, in the manner, and under the conditions, hereinafter prescribed and enacted.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the citizens of the said counties of Chester and Lancaster, respectively, shall, at the general election next ensuing the passing of this act, in the manner prescribed for the election of members of the house of representatives of this commonwealth, elect six reputable citizens of each of the said counties, respectively, to be "Directors of the Poor, and of the house of employment for the county of Chester, and for the county of Lancaster;" and the judges of election of the said counties, respectively, shall, immediately on receiving the returns from the several election districts, and casting up the number of votes therein, or within three days thereafter, certify, under their hands and seals, the names of the directors so chosen to the clerk of the court of quarter session of the said respective counties, who shall file the said certificate in his office, and forthwith give notice, in writing, to the said directors of their being elected; and the said directors shall meet at the court house in their respective counties, on the first Monday in November next ensuing their election, and divide themselves, by lot, into three classes, the places of the first to be vacated at the expiration of the first year, of the second at the expiration of the second year, and of the third at the expiration of the third year, so that those who shall be chosen after the first

election, and in the mode above prescribed, may serve for three years, and one-third be chosen annually.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the said directors, respectively, shall forever hereafter, in name and in fact, be one body politic and corporate in law, to all intents and purposes whatsoever relating to the poor of the said counties of Chester and Lancaster, and shall have perpetual succession, and may sue and be sued, plead and be impleaded by the name, style and title of "The Directors of the Poor, and of the house of employment for the county of Chester," and of "The Directors of the Poor, and of the House of employment of the county of Lancaster," and by that name shall and may respectively receive, take and hold any lands, tenements and hereditaments, not exceeding the yearly value of five thousand dollars, and any goods and chattels whatsoever, of the gift, alienation of bequest of any person or persons whatsoever; to purchase, take and hold any lands and tenements within their respective counties, in fee simple or otherwise, and erect suitable buildings thereon, for the reception, use and accommodation of the poor of their respective townships; to provide all things necessary for the reception, lodging, maintenance and employment of the said poor; to appoint a treasurer annually, who shall give bond, with sufficient surety, for the faithful discharge of the duties of his office; and that, at the expiration thereof, he will well and truly pay and deliver over to his successor, all moneys, bonds, notes, books, accounts and their papers, to the said corporations respectively belonging, which shall then be remaining in his hands, custody and possession; to employ, and at pleasure remove, a steward or stewards, matron or matrons, physician or physicians, surgeon or surgeons, and all other necessary attendants for the said poor, respectively; to bind out as apprentices, or to service, so that such service may expire, if males, at or before the age of twenty-one years, if females, at or before the age of eighteen, with the approbation of two justices of the peace, such poor children as shall come under their notice, or as may now be bound apprentices by the overseers of the poor, and to

exercise and enjoy all such other powers now vested in the overseers of the poor, as are not herein granted or supplied; and the said directors, respectively, shall be empowered to use one common seal in all business relating to the said corporation, and the same at their pleasure to alter or renew.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said directors, respectively, as soon as may be after their election and organization as aforesaid, shall make an estimate of the probable expense of purchasing the lands, erecting the necessary buildings, and furnishing the same, and maintaining the poor within the said counties, respectively, for one year; whereupon the county commissioners of the said respective counties shall, and they are hereby authorized and required to increase the county tax by one-fourth part of the sum necessary for the purposes aforesaid, and shall procure on loan, on the credit of the taxes herein directed to levied, the remaining three-fourths thereof, to be repaid in instalments, with interest, out of the county taxes. Provided always, That if such loan cannot be made, the whole amount of the sum necessary for the purposes aforesaid, or such part thereof as may be deemed proper, shall immediately be added to the county tax, to be paid by the county treasurer to the directors aforesaid, on orders drawn in their favor by the county commissioners, as the same may be found necessary.

[Section V.] (Section V. P. L.) And be it further enacted by the authority aforesaid, That the said directors, respectively, shall, at least once in every year, render an account of all the moneys by them received and expended to the auditors appointed to audit and settle the county accounts, subject to the same penalties, rules and regulations, as are by law directed respecting the accounts of the county commissioners, and shall also, at least once in every year, lay before the court of quarter sessions and grand juries of the said counties, respectively, a list of the number, ages and sexes of the persons maintained and employed in the said house of employment, respectively, or supported or assisted by them elsewhere, and of the children by them bound out to apprenticeships, or to service as aforesaid, with the names of the masters or mistresses, and their trade,

occupation or calling, and shall, at all times when thereunto required, submit to the inspection and free examination of such visitors, as shall from time to time be appointed by the court of quarter sessions of the said counties, respectively, all their books, accounts, affairs and economy, together with the rents, interest and moneys payable and receivable by the said corporations, respectively, and also an account of all sales, purchases, donations, devises and bequests, as shall have been made by or to them, or either of them.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That Joshua Ashbridge, Edward Darlington, Moses Marshall, Esquire, Robert Miller, John Davis, John Rinchart, James M. Gibbons, Esquire, Samuel Carter and James Johnston, of the said county of Chester, and Edward Hand, Thomas Boude, George Mosser, James Morrison, John Funk, Peter Ellmaker, Frederick Seger, George Elick and Zachariah Moore, of the said county of Lancaster, be, and they are hereby, authorized, empowered and directed to receive and hear such applications, as shall be directed to them, respecting the place which may be deemed most proper for erecting the buildings for the employment and support of the poor as aforesaid, within their respective counties, and shall, on or before the first day of December next, determine upon and fix the place within the said counties of Chester and Lancaster, respectively, in which the said buildings shall be erected, and shall certify their proceedings, under their hands and seals, to the clerk of the quarter sessions of the said counties, respectively, to be filed in his office.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That as soon as the respective buildings shall be erected, and all necessary accommodations provided therein, notices shall be sent, signed by any two of the said directors of the said respective counties to the overseers of the several townships of the said counties of Chester and Lancaster, respectively, requiring them forthwith to bring the poor of their respective townships to the said houses of employment,

respectively, which order the said overseers are hereby enjoined and required to comply with, otherwise to forfeit the cost of all future maintenance, except in cases when by sickness, or other sufficient cause, any poor person cannot be removed, in which case the said overseers shall represent the same to the nearest justice of peace, who, being satisfied with the truth thereof, shall certify the same to the said directors, and at the same time issue an order, under his hand and seal, to the said overseers, directing them to maintain such poor, until such time as he or she shall be in situation to be removed, then to convey the said pauper, and deliver him or her to the steward or keeper of the said house of employment, together with the said order, and the charge and expense of such temporary relief, and of such removal shall be paid by the said directors at a reasonable allowance.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the said directors, respectively, shall, from time to time, receive, provide for and employ, according to the true intent and meaning of this [act], all such poor and indigent persons, as shall be entitled to relief, or shall have gained a legal settlement in the said county of Chester, or in the said county of Lancaster, and shall be sent there by an order or warrant for that purpose, under the hands and seals of any two justices of the peace, directed to any constable of the said county of Chester or Lancaster, or to the overseers of the proper townships, in any other county of this commonwealth, and to the said directors of the poor and of the house of employment of the said county of Chester or Lancaster; and the said directors, respectively, are hereby authorized, when they shall deem it proper and convenient so to do, to permit any poor person or persons to be maintained elsewhere, and if the pauper be married, and the person to whom he or she is married is not supported at the county expense, it shall be the duty of the said directors to place the said pauper with the person to whom he or she is married, if required, provided the expense of such maintenance doth not exceed that of the house of employment.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the said directors, or any four of them, who shall be a quorum in all cases to do business with-

in their respective counties, shall have full power to make and ordain all such ordinances, rules and regulations, as they shall think proper, convenient and necessary, for the direction, government and support of the poor and houses of employment aforesaid, and of the revenues thereunto respectively belonging, and of such persons as shall come under their care or cognizance, provided the same be not repugnant to this law, or any other of the laws of this state or of the United States, and provided also, that the same shall not have any force or effect until they shall have been submitted to the president and associate judges of the court of common pleas, for the time being, for the district within which the said county of Chester or Lancaster shall be, and shall have received the approbation of said court.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That a committee consisting of at least two of the said directors, shall, and they are hereby enjoined and required to meet at the said houses of employment, in their respective counties, at least once in every month, and visit the apartments, and see that the poor are comfortably supported, and hear all complaints, and redress, or cause to be redressed, all grievances, which may happen by the neglect or misconduct of their servants, or others in their employment, or otherwise.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the said directors shall each of them receive for their services twenty dollars per annum, to defray the expense of their necessary attendance on the duties of their offices.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That in case of any vacancy or vacancies, by death, resignation, removal, neglect, refusal, or otherwise, of any of the said directors, a majority of the remaining directors shall fill such vacancy or vacancies, by appointment of one or more citizens of their said counties, respectively, as the case may require, to serve until the next general election, when another director or directors shall be elected, to serve for the period or periods which such director or directors were to have served, if no such vacancy or vacancies had happened.

[Section XIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, that all the moneys which shall be remaining in the hands of the overseers of the poor of the several townships of Chester and Lancaster counties, respectively, at the time when the first county poor tax shall be assessed, levied and collected, shall be paid over the said overseers to the supervisors of the highways of their respective townships, to be by them applied towards the repairing of the roads therein.

[Section XIV.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That as soon as the poor of the counties of Chester and Lancaster shall be removed to the respective houses of employment of the said counties, the office of overseer of the poor within the said counties shall from thenceforth be abolished.

[Sections XV.] (Section XV, P. L.) And it be further enacted by the authority aforesaid, That for the services enjoined on the clerk of the courts of quarter sessions and of common pleas of the counties of Chester and Lancaster by this act, he shall be entitled to exhibit his accounts to the county commissioners of the said counties, respectively, who shall examine and allow the same, and draw on the county treasurer for the amount thereof, as in usual in the case of other accounts.

[Section XVI.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That so much of the laws of this commonwealth, relating to the poor of the counties of Chester and Lancaster, as is by this act altered or supplied, and no more, be, and the same is hereby, repealed.

Passed February 27, 1798. Recorded L. B. No. 6, p. 218, etc.
Supplement passed February 9, 1799, Chapter 2017.

CHAPTER MCMLXXII.

AN ACT TO PROVIDE FOR SETTLING THE COMPENSATIONS OF SUNDRY MEMBERS OF THE LEGISLATURE AT THE LATE SESSION, AND TO AUTHORIZE THE SPEAKERS OF THE RESPECTIVE HOUSES TO DRAW WARRANTS IN THEIR FAVOR, FOR THE SUMS FOUND DUE.

Whereas sundry members of the legislature of this state came to, and others made progress on their journey towards Philadelphia, to attend the late session in August last, but were prevented from taking their seats, or having the accounts of their compensation settled, owing to the sudden rising of the legislature, occasioned by the then prevailing calamitous sickness in the city of Philadelphia.

[Section I.] (Section I, P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the present committees of accounts of the senate and house of representatives shall and may, respectively, proceed to examine and state to their houses the accounts of all such members of the senate, and late house of representatives, as came to or made progress towards the city of Philadelphia, in order to take their seats at the late session and who have not hitherto received any compensation for the same, and upon such statements being approved by the respective houses, the speakers thereof shall and may draw warrants on the state treasurer, in favor of the different members, for the sums so found due to them, to be paid out of the funds for the support of government.

Passed February 27, 1798. Recorded L. B. No. 6, p. 214, etc.

CHAPTER MCMLXXIII.

AN ACT TO ENABLE THE GOVERNOR OF THIS COMMONWEALTH TO INCORPORATE A COMPANY, FOR THE PURPOSE OF IMPROVING THE NAVIGATION OF THE RIVER LEHIGH.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That William Tilghman, Godfrey Haga, and John M. Taylor, of the city of Philadelphia, John Barnet, Joseph Horsefield, and Nicholas Kern, of the county of Northampton, and Matthias Hollenback, Rosewell Welles, and Lord Butler, of the county of Luzerne, be, and they are hereby, appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say; they shall and may, on or before the first day of June next, procure a book or books, and therein enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the president and managers of the Lehigh Navigation Company the sum of one hundred dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportions, and at such times, as shall be determined by the said president and managers, in pursuance of an act of the general assembly of this commonwealth, entitled, "An act to enable the governor of this commonwealth to incorporate a company, for the purpose of improving the navigation of the river Lehigh," and shall thereupon give notice in one of the public newspaper printed in Philadelphia, in the public newspaper printed at Easton, and in the public newspaper printed at Wilkes-Barre, for one calendar month at least, of the time and place when and where the said book or books will be open to receive subscriptions of stock for the said company, at which time and place the said commissioners, or any two of them, shall attend, and shall permit and suffer all persons, who shall offer to subscribe in the said

book or books, which shall for that purpose be kept open at least six hours in every juridical day, for the space of at least three successive days, and on any of the said juridical days, within the hours aforesaid, any person of the age of twenty-one years shall have liberty to subscribe, in his own or any other name or names by whom he shall be authorized, for one share; on the second day, for one or two shares; on the third day, for one, two or three shares, and on any succeeding day, while the said books shall remain open, for any number of shares in the said stock and if, at the expiration of the said three first days, the said book or books shall not have four hundred shares therein subscribed, the said commissioners may adjourn from time to time, until the said number of shares shall be subscribed, of which adjournment public notice shall be given, in at least one public newspaper. And when the said subscriptions in the said books shall amount to the respective numbers aforesaid, the same shall be respectively closed; and if on that day, and before the said subscriptions shall be declared to be full, application shall be made to subscribe more shares than will fill the said book or books to the number aforesaid, respectively, then the said commissioners shall apportion the whole number of shares subscribed on the morning of that day amongst all those, who shall have subscribed or offered to subscribe as aforesaid on that day, by deducting from the subscriptions of more shares than one such proposition of shares by them respectively subscribed, as will, with the least fraction, and leaving* every person one or more shares aforesaid. Provided always, That every person offering to subscribe in the said book or books in his own name, or any other name, shall previously pay to the attending commissioners, ten dollars for every share to be subscribed out of which be defrayed the expenses attending the taking such subscriptions, and other incidental expenses, and compensation to the said commissioners, not exceeding two dollars to each of them, for every day they shall be publicly employed in the said business, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized, and the officers chosen as hereinafter mentioned.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That when fifteen persons or more shall have subscribed two hundred or more shares in the said stock, the said commissioners, respectively may certify, under their hands and seals, the names of the subscribers, and number of shares subscribed by or apportioned to each subscriber, to the governor of this Commonwealth, and thereupon it may and shall be lawful to and for the governor, by letters patent, under the great seal of the state, to create and erect such subscribers, and also those who shall afterwards subscribe, into one body politic and corporate, in deed and in law, with perpetual successions, and with all the privileges and franchises incident to a corporation by the name, style and title of "The President and Managers of the Lehigh Navigation Company;" and by such name the said subscribers, and such other subscribers as may thereafter become stockholders, shall be capable of holding the said capital stock, and increase and profits thereof, and of enlarging the same, from time to time, by new subscriptions, in such manner as they shall think proper, if such enlargement shall be found necessary to fulfill the end and intent of this act, and of taking, purchasing and holding to them, their successors and assigns, in fee simple, or for any less estate, all such lands, tenements and hereditaments, as shall be necessary for them in the prosecution of their work, and of doing all and every other matter and thing, which a corporation or lobby politic may lawfully do.

[Section III.] (Sections III, P. L.) And be it further enacted by the authority aforesaid; That it shall and may be lawful for the said president and managers to clear the said river Lehigh, and remove all obstructions therein, and render the navigation thereof as easy and commodious as possible, from the mouth to the Great Falls thereof.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the seven persons first named in the said letters patent shall, as soon as conveniently may be after sealing the same, give notice, in one of the newspapers published in Philadelphia as foresaid, and in the newspaper published at Easton, and in the newspaper published at Wilkes-

barre, of a time and place by them to be appointed, not less than twenty days from the time of issuing the said notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose, by majority of votes of the said subscribers, by ballot, to be delivered in person or by proxy, one president, eight managers, one treasurer, and such other officers as they shall think necessary to conduct the business of the said company, for one year, and until such other officers shall be elected, and shall and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this commonwealth, as shall be necessary for the well ordering of the affairs of the said company. Provided always. That no person shall have more than ten votes at the said elections, or in determining any question arising at such meeting, whatever number of shares he may be entitled to, and that each person holding one or more shares, under the said number of ten, shall have one vote for every share by him held.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the said company shall meet on the first Monday of February in each succeeding year, at such place as shall be fixed by the rules and orders of the said company, to be made as as aforesaid, for the purpose of choosing such officers as aforesaid for the ensuing year, and at such other times as they shall be assembled by the managers, for the purpose of making by-laws, rules, orders and regulations, not inconsistent with the constitution and existing laws of this state, as shall from time to time be necessary, of which meetings notice shall be given, in such manner as shall be provided by such rules and orders.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall procure certificates to be printed or written for every share of the said capital stock of the said company, and shall deliver one to each of the subscribers for every share by him subscribed, signed by the president, and sealed with their common seal, he paying to the treasurer of the company the sum of five dollars for every share by him subscribed, which certificate shall be transferable at pleasure, in the presence of the treasurer

of the said company, subject, however, to all payments due and to grow due. And the holder of every such certificate, having first caused the assignment to him to be entered in a book of said company, to be kept for that purpose, shall be a member of the said corporation, entitled to one share of the capital stock, and of all the estates and emoluments of the company, and to vote as aforesaid at the general meetings thereof.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall have full power and authority to appoint all necessary officers to supply vacancies, occasioned by death, resignation, or otherwise, and to make contracts for the work to be undertaken by them, and also to appoint one or more superintendents of the work to be undertaken by them, and to hire and employ all such engineers, artists, workmen and laborers, as they find necessary to carry on the same.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall have full power and authority, from time to time, to fix the several sums of money, which shall be paid by the subscriber or holder of every share of the stock of the said company, in part or for the sum subscribed, and the time when each and every dividend or part thereof shall be paid, and the place where it shall be received, and shall give at least twenty days' notice in one of the public newspapers published in the city of Philadelphia, in the newspaper published at Easton, and in the newspaper published at Wilkes-barre, of the sum or dividend, and the time and place of receiving the same; and if the holder of any share shall neglect to pay such proportion, at the place aforesaid, for the space of twenty days after the time so appointed for paying the same, every such shareholder, or his assignee, shall, in addition to the proportion so called for, pay after the rate of five per centum for every month's delay of such payment; and if the same, and the said additional penalty, shall not be paid for such space of time, as that the accumulated penalties shall become equal to the sums before paid

for and on account of such shares, the same shall be forfeited to the said company, and may and shall be sold by them to any person or persons willing to purchase, for such price as can be obtained therefor.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the president and managers shall begin to clear the said river Lehigh, at the mouth of said river, and from thence progressively up the same to the Great Falls: and so soon as the said president and managers shall have cleared the said river Lehigh, in such manner as to have made a good navigation, at all seasonable times of the year, for loaded boats not exceeding the burden of five tons, from the mouth thereof to the ferry near the town of Northampton, that part of the navigation of said river shall be declared free.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That as soon as the said president and managers shall have cleared the said river from the ferry near the town of Northampton to the Blue mountains, and from the said Blue mountain to the mouth of Neshoning creek, they shall give notice thereof to the governor of the commonwealth, who shall thereupon forthwith nominate and appoint three skilful and judicious persons, who hold no share in the stock of the said company, to view and examine the said river, for any such part or space thereof as aforesaid, and report to him, in writing, whether the navigation is completed in the manner aforementioned, according to the true intent and meaning of this act, and if the report of them, or a majority of them, shall be in the affirmative, then the governor shall, by license under his hand and the lesser of the commonwealth, permit and suffer said president, managers and company to fix upon and appoint so many places, at or between the places beforementioned, as will be necessary and sufficient to collect the tolls and duties hereinafter granted to the said company.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That as soon as the said president and managers shall have cleared the said river so as to have made a good navigation for rafts at certain seasons of the year to the distance of ten miles from the mouth of Neshoning creek

and so on from time to time any other like distance of ten miles progressively from the mouth of, the said creek to the great falls of said river where the Wilkes-barre road crosses said river from the city of Philadelphia, they shall give notice thereof to the governor, who shall thereupon forthwith nominate and appoint three skillful and judicious persons, who hold no share of the stock of the said company, to view, examine and report to him as foresaid whether the navigation is far completed in the manner herein last before mentioned, according to the true intent and meaning of this act and if the report of them or a majority of them shall be in the affirmative then the governor shall, by license under his hand and the lesser seal of the commonwealth, permit and suffer the said president, managers and company to fix upon and appoint so many places between the said mouth of Neshoning Creek and the Great Falls as will be necessary and sufficient to collect the tolls and duty hereinafter granted to the said company.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the president and managers of the said company, as soon as they have obtained the governor's permission as aforesaid, for fixing upon and appointing proper places for collecting tolls and duties as aforesaid, to appoint so many collectors of tolls for the passage of loaded boats, vessels and rafts in and through the said rivers, and in such places as they shall think proper; and that it may and shall be lawful for such toll collectors, and their deputies, to demand and receive of and from the person having the charge of all loaded boats, vessels and rafts passing through the said river, such tolls and rates, for every ton weight of the ascertained burden of the said boats and vessels, and for every one thousand feet board measure of timber, boards, plank or scantling in rafts, as the said president and managers shall think proper, at any place appointed for receiving of tolls, as ascertained. Provided, That the amount of the said tolls shall not in the whole exceed the rate of six cents per mile for every ton of the burden of such boat or vessel, and for every one thousand feet board measure of boards, plank

or scantling, and two cents for every one thousand feet of timber; from the Great Falls to the mouth of Neshoning creek, and from thence to the town of Northampton, two cents per mile for every ton of the burden of such boat or vessels, and for every one thousand feet board measure of boards, plank or scantling, and one cent per mile for every one thousand feet of timber.

[Section XIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That in order to ascertain the size of rafts and tonnage of boats, using and passing the said river, and to prevent disputes between the supercargoes and collectors of tolls, upon the request of the owner, skipper or supercargo of such boat or raft, or of the collector of the said tolls, or his duty, at any place appointed for receiving tolls as aforesaid, it shall and may be lawful for each of them to choose one skilful person to measure and ascertain the size of the said rafts, or the number of tons which the said boat or vessel is capable of carrying, and to mark the said tonnage, so ascertained, in figures, upon the head and stern of the said boat, in colors mixed with oil, and that the said boat or vessel, so measured and marked, shall be permitted to pass through the said river, for the price per ton to which the number of tons so marked on her shall amount, agreeably to the rates fixed in manner aforesaid; and if the owner, skipper or supercargo of such boat or vessel shall decline choosing a person resident within two miles of the place where such toll is payable, to ascertain the tonnage thereof, then the amount of such tonnage shall be fixed and ascertained by the person appointed for that purpose by the president and managers, or chosen by the said collector of tolls for the said company, and the toll shall be paid according to such measurement before any such boat or vessel shall be permitted to pass the place, where such toll shall be made payable by the said company.

[Section XIV.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That the collector of tolls, duly appointed and authorized by the said president and managers, may stop and detain all boats and vessels, and also all rafts, using and passing through the said river, until the owner,

skipper or supercargo of the same shall pay the toll so as aforesaid fixed, or may distrain part of the cargo therein contained, or a part of such rafts, sufficient, by the appraisment of two reputable disinterested persons, to satisfy the toll, which distress shall be kept by the collector of tolls taking the same, for the space of five days and afterwards sold by public auction to the highest bidder, in the same manner and form as goods distrained for rent are by law sold and salable, rendering the overplus, if any there be after payment of the said tolls and costs of the distress and sale, to the skipper, supercargo or owner thereof, on his or their application for the same.

[Section XV.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That if any owner, skipper, supercargo or conductor of such boat or raft shall pass by any place appointed for receiving tolls, without making payment thereof, with intent to defraud the company out of such toll, he, she or they shall forfeit and pay, for every time they shall so pass by, to the said president, managers and company, the sum of twenty dollars, to be sued for and recovered before any justice of the peace, in like manner and subject to the same rules and regulations as debts under twenty pounds may be sued for and recovered, together with reasonable costs or prosecution.

[Section XVI.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers of the said company may require and demand of and from the said treasurer, and all other offices, superintendents and other persons by them employed, bonds in sufficient penalties and by such sureties as they shall by their rules, orders and regulations require, for the faithful discharge of the several duties and trusts to them, or any of them, respectively committed.

[Section XVII.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That the president and managers of the said company shall keep fair and just accounts of the moneys received by them from the subscribers to the said undertaking, for their subscription thereto, and all penalties for delay or non-payment thereof, and of all moneys by them expended in the payment of the costs and charges of

procuring and purchasing all estates, rights and titles, in the said company to be vested in pursuance of this act, or by any other means, and in paying their several officers by them to be appointed, and the wages of the different engineers, artists, workmen and laborers by them to be employed and other expenses attending the performance of the said undertaking; and shall, once at least in every year, submit such account to the general meeting of the stockholders, until the said river shall be completely cleared and rendered navigable as aforesaid, and until all the charges, costs and expenses of affecting the same shall be fully paid and discharged, and the aggregate amount of the said expenses shall be liquidated, and from and after the said liquidation thereof; and if upon such liquidation, or whenever the whole capital stock of the said company shall be nearly expended, it shall be found that the said capital stock will not be sufficient to complete the said navigation in manner aforesaid, according to the true intent and meaning of this act, it shall and may be lawful for the president, managers and company, at a general meeting of the stockholders, held in pursuance of the preceeding provisions, or called by the said president and managers for the especial purpose, by public notice in one of the newspapers published in the city of Philadelphia, in the newspaper published at Easton, and in the newspaper published at Wilkes-barre, in manner aforesaid, to increase the number of shares to such extent, as shall be deemed sufficient to accomplish the purpose of this act, and to demand and receive such additional subscribers from the former, or in case of their neglect or refusal, after ten successive days from the time of such meeting, from new subscribers, and upon such terms, and in such manner, as by the said general meeting shall be agreed upon.

[Section XVIII.] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall also keep a just and true account of all moneys received by their several and respective collectors, and shall make and declare a dividend of the clear profits and income thereof, all contingent costs and charges being first deducted, on the first Mondays of January and July in every year, and pub-

lish the half yearly dividend to be made of the said clear profits to and amongst the stockholders, and of the time and place when and where the same shall be paid, and shall cause the same to be paid accordingly.

[Section XIX.] (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall, at the expiration of every third year from the date of their incorporation, lay before the general assembly of this commonwealth an abstract of their accounts, showing the whole amount of the capital expended in purchasing real estates, and in clearing the said river, and in rendering it navigable, in the manner beforementioned, and the whole income and profits from the same for and during the said periods, together with an exact account of all the contingent expenses attending the same for the said period, to the end that the clear profits may be known; and if, at the end of two years after the said navigation shall be completed in manner aforesaid, it shall appear that the said clear profits and income will not bear a dividend of six per cent. per annum on the whole capital stock of the said company so expended, it may and shall be lawful to and for the said president, managers and company to increase the tolls hereinabove allowed to them so much, as will raise the dividend up to six per cent. per annum; and at the end of every period of six years after the said navigation shall be completed, they shall render the like abstract to the general assembly of their accounts for five preceding years; and if, at the end of such period, it shall appear from the said abstract that the clear profits and income of the company will bear a dividend of more than fifteen per centum per annum, then and in such case the said tolls shall be reduced so much, as will reduce the clear profits and income to a dividend not exceeding fifteen per cent.

[Section XX.] (Section XX, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall wilfully, or without order from the president and managers, pull down, break and destroy, with intent to injure, any part or parts of said navigation, and works erected or made for the use of said navigation, or the persons employed in con-

ducting the business thereof, or of raising tolls, or who shall wilfully and maliciously obstruct or impede the passage of any boat or raft on the said river Lehigh, or any part thereof, he, she or they, so offending, shall each of them forfeit and pay to the said president, managers and company the sum of thirty dollars, to be sued for and recovered before any justice of the peace, in like manner and subject to the same regulations as debts under twenty pounds may be sued for and recovered; and he, she or they, so offending, may and shall remain liable to actions, at the suit of the said president, managers and company, for damage, if the said sum or sums herein mentioned be not sufficient to repair and satisfy such damage, together with costs of prosecution.

[Section XXI.] (Section XXI, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the president and managers of the said company to raise, by way of lottery, ten thousand dollars, to be employed in carrying on the improvements of the Lehigh navigation. Provided always nevertheless, That nothing herein contained shall be construed or held to authorize the said president, managers and company, or either of them, to form the said sum into capital stock, or to consider the same as any of their capital stock, upon which a dividend or profit can be made.

[Section XXII.] (Section XXII, P. L.) And be it further enacted by the authority aforesaid, That the president and managers, previous to selling any ticket in the said lottery, shall lay the scheme thereof before the governor of this commonwealth, to be approved of by him; and shall also enter into bonds to the governor, for the due and faithful payment of all prizes that may be drawn in the said lottery, when the same shall be demanded after the drawing of said lottery shall be completed.

[Section XXIII.] (Section XXIII, P. L.) And be it further enacted by the authority aforesaid, That, as soon as three-fifths of the tickets shall be sold, the said president and managers shall certify the same to the governor of this commonwealth, and upon such certificate being presented, it shall and may be lawful for the governor to appoint three commissioners to su-

perintend the drawing of the said lottery, which said commissioners shall take an oath or affirmation diligently and faithfully to perform the duties intrusted to them.

[Section XXIV.] (Section XXIV, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners, or any three of them, shall attend at the drawing of each day, and when the whole is completed, shall cause an accurate list of the fortunate numbers to be published in at least three newspapers, one thereof in the city of Philadelphia, one in Easton, in Northumberland county, and one at Wilkes-barre, in the county of Luzerne; and the said commissioners shall receive of the president and managers of the said company, two dollars for each day's attendance on the duties enjoined on them.

[Section XXV.] (Section XXV, P. L.) And be it further enacted by the authority aforesaid, That all prizes not demanded within twelve months after publication, as aforesaid, shall be applied as aforesaid to carrying on and completing the works of said company.

[Section XXVI.] (Section XXVI, P. L.) And be it further enacted by the authority aforesaid, That if the said company shall not proceed to carry on the said work within the space of three years after they have been incorporated, or shall not, within the space of ten years from the passing of this act, complete the said navigation in the manner directed by this act, it shall and may be lawful for the legislature to resume all and singular the rights, liberties and privileges hereby granted to the said company.

*The original is so expressed, but it ought obviously to be "leave," instead of "and leaving."

Passed February 27, 1798. Recorded L. B. No. 6, p. 223, etc.

CHAPTER MCMLXXIV.

AN ACT TO AUTHORIZE THE GOVERNOR OF THIS COMMONWEALTH
TO INCORPORATE A COMPANY, FOR ERECTING A PERMANENT
BRIDGE OVER THE RIVER SCHUYLKILL, AT OR NEAR THE CITY OF
PHILADELPHIA.

Whereas a number of the inhabitants of this commonwealth have requested this legislature to permit them to bring in a bill, for incorporating a company for the purpose of erecting a permanent bridge over the river Schuylkill, at or near the city of Philadelphia, and it appearing to this assembly that the completion of such a work will be of great public utility, as well for the immediate benefit of the said city as for the general interest of the state, which derives most essential and solid advantages from the commerce and prosperity of its capital.

[Section 1.] (Section I, P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That Richard Peters, John Perot, Godfrey Haga, Matthew M'Connel and William Sheaff, or any three of them, be, and they are hereby appointed commissioners, to do and perform the several duties hereinafter mentioned that is to say, they shall and may, on or before the first day in June next, procure one or more books, as they shall think necessary, and therein enter as follows, viz: "We, whose names are hereunto subscribed, do promise to pay to the president, directors and company, for erecting a bridge over the river Schuylkill, at or near the city of Philadelphia, the sum of one dollar at the time of subscribing, and one dollar in three months thereafter, for every share of stock in the said company set opposite to our respective names, and the residue thereof, at the rate of ten dollars for each share, in such manner and proportions, and at such times, as shall be determined by the president and directors chosen in pursuance of an act of general assembly,

entitled, 'An Act to authorize the governor of this commonwealth to incorporate a company, for erecting a permanent bridge over the river Schuylkill, at or near the city of Philadelphia,'" and shall thereupon proceed to receive subscriptions for the stock of the said company, which is hereby declared and intended to be the sum of one hundred and fifty thousand dollars, divided into fifteen thousand shares at ten dollars each, at such times and places as they think proper, of which notice shall be given, in three or more newspapers (one of which shall be in the German language) printed in the city of Philadelphia, for at least twenty days before the first day of meeting; and if before the said stock be completed, they shall adjourn for more than three days, notice of the time and place when and where the said commissioners will next receive subscriptions shall be given, in at least one newspaper printed in the said city, and it shall be lawful for any person, body politic or corporate, to subscribe for as many shares, not exceeding one hundred in one day, as he, she or they shall choose. Provided always, That every person offering to subscribe as aforesaid, in his own name, or any other name, shall previously pay to the attending commissioner one dollar for every share to be subscribed, out of which shall be defrayed the expenses attending taking such subscriptions, and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized and the officers chosen as is hereinafter mentioned, but the said commissioners shall reserve three thousand shares, which shall be appropriated by the president and directors, and used, if the same be found requisite, for the purpose hereinafter mentioned, of vesting therein the moneys to be applied for a sinking fund to free the bridge, and to enable the president, directors and company to purchase therewith, if the same can be done, a site or place for erecting the bridge; such of the said reserved shares as are not used for these purposes to be open for further subscription or sale, as the president and directors shall, according to circumstances, deem proper.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That when one hundred persons or more shall have subscribed five thousand shares in the said stock, the said commissioners respectively shall certify, under their hands and seals, the names of the subscribers, and the number of shares subscribed by or apportioned to each subscriber, to the governor of this commonwealth, and thereupon it shall and may be lawful for the governor, by letters patent, under his hand and seal of the state, to create and erect the subscribers, and if the said subscribers be not full at the time, those also who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of "The President, Directors and Company for erecting a permanent bridge over the river Schuylkill, at or near the city of Philadelphia," and by the said name the said subscriber shall have perpetual succession, and all privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargements shall be found necessary to fulfill the intent of this act, and of taking, purchasing and holding to them and their successors, in fee simple or for any less estate, all such lands, tenements, hereditaments and estate real and personal, as shall be necessary and convenient to them in the prosecution of their works, and the same to sell and dispose of at their pleasure, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the six persons first named in the letters patent shall, as soon as conveniently may be after sealing the same, give notice in two or more of the public newspapers in Philadelphia, one whereof shall be in the German language, of a time and place by them to be appointed, not less than thirty days from the time of issuing the first notice, at which time and place the said subscribers shall proceed to or-

ganize the said corporation, and shall choose, by a majority of votes of the said subscribers, by ballot, to be delivered in person or by proxy duly authorized, one president, twelve directors, one treasurer, and such other officers as they shall think necessary to conduct the business of the said company for one year, and until other officers shall be chosen; and may make such by-laws, rules, orders and regulations not inconsistent with the laws of this commonwealth, as shall be necessary for the well ordering the affairs of the said company. Provided always, That no person shall have more than fifty votes at any election, or in determining any question arising at such meetings, whatever number of shares he or she may be entitled to, and that each person shall be entitled to one vote for every share by him or her held under the said number.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said stockholders shall meet on the first Monday in January in every succeeding year, at such place as shall be fixed by the rules and orders of the said company, to be made as aforesaid, for the purpose of choosing such officers as aforesaid for the ensuing year.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the president and directors first to be chosen, as aforesaid, shall procure certificates to be written or printed for all the shares of stock of the said company, and shall deliver one such certificate, signed by the president, and countersigned by the treasurer, and sealed with the seal of the corporation, to each person for every share by him or her subscribed or held, upon payment to the treasurer, in part of the sum due thereon, the sum of one dollar for each share, which certificate shall be transferable at such person's pleasure, in person or by attorney in presence of the president or treasurer, subject, however, to the payments due and they may grow due thereupon; and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for that purpose, shall be a member of the corporation, and for every certificate so held shall be entitled to one

share of the captial stock, and of all the estates and emoluments of the company, and to vote as aforesaid at the meetings thereof.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the said president and directors, on their being chosen in the first instance, shall call a meeting of the stockholders, and that meeting may appoint five of their number to examine and report the most eligible place or places for building the bridge, and to treat with any body or bodies politic or corporate, or individuals, for the purchase of their respective rights, or any of them, to the place or places deemed eligible, and when the said place or places, and the terms on which it or they can be purchased, are so reported, the said stockholders, or a majority of those met, may fix on the place and terms, or the said stockholders, or a majority of them, may at any time agree to leave the determination, both on place and terms, to the president and directors.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the said president and directors shall meet at such times and places, and be convened in such manner, as shall be agreed on for transacting their business at such meetings; five members shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions fairly entered in a book, and a quorum being met, they shall have full power and authority to agree with and appoint such engineers, superintendents, artists and other officers, as they shall think necessary to carry on the said bridge, and to fix their salaries and other wages, to ascertain the times, manner and proportions in which the stock holders shall pay the money due on their respective shares in order to carry on their work, to draw orders on the treasury for all money to pay the salaries or wages of persons by them employed. and for the materials and labor done and provided, which shall be signed by the president, or, in his absence, by a majority of a quorum, and to do and transact all other such acts, matters and things, as by the by-laws, orders and regulations of the company shall be committed to them, and the said

president, directors and company shall, within the space of five years, erect, or cause to be erected, in permanent and workman-like manner, a good substantial bridge of wood, iron, or such other materials as to them shall seem adequate and proper, over the said river Schuylkill, at the place fixed on as herein mentioned. The said bridge to consist of one or more arch or arches, with stone abutments, and one or more pier or piers, if necessary, to be at least thirty-six feet wide, with railing on each side thereof, with footways at least five feet wide, either raised or railed off, for the commodious passage of foot passengers.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That if any stockholder after thirty days' notice in two of the public newspapers printed at Philadelphia, one whereof shall be in the English and one in the German language, of the time and place appointed for the payment of any portion or dividend of the said capital stock, shall neglect to pay such proportion at the time so appointed, and for the space of forty days thereafter, every such stockholder, or his assignee, shall, in addition to the dividend so called for, pay at the rate of five per centum per month for every delay of such payment, and if the same and the said additional penalties shall remain unpaid for such space of time, that the accumulated penalties shall become equal to the sums before paid on account of such shares, the same shall be forfeited to the company aforesaid, and may and shall be sold by them to any other person or persons willing to purchase, for the best price that can be obtained therefor.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the president and directors of the said company shall keep fair and just accounts of all moneys received by them from the said commissioners, and from the subscribers to the said undertaking, and of all penalties for delay in the payment thereof, and of the account of the profits on shares that may be forfeited as aforesaid, and of all voluntary contributions and other moneys received for account of the erecting or freeing the said bridge, and also of all moneys by them expended in the prosecution of the said work; and shall, at least once in every year, submit such accounts to a general

meeting of the stockholders, until the said bridge be completed, and until all the costs, charges and expenses for affecting the same shall be fully paid and discharged, and the aggregate amount of all such expenses shall be liquidated and ascertained; and if, upon such liquidation, or whenever the whole capital stock of the company shall be nearly expended, it shall be found that the said capital stock is not sufficient to complete the said bridge, according to the true intent and meaning of this act, it shall and may be lawful for the said president, directors and company, at a stated or special meeting, to be convened according to the provisions of this act, or their own by laws, to increase the number of shares to such extent, as shall be deemed sufficient to accomplish the work, and to demand and receive the moneys subscribed for such shares, in like manner and under the like penalties as are hereinbefore provided for the original subscription; and if, after the said bridge is completed, it shall be found that more moneys shall remain in the hands of the treasurer than are necessary for the payment of all charges and expenses incurred in and about the erecting the said bridge, the surplus shall be returned, as part of the dividend due and payable to the stockholders respectively.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That when a good and complete bridge is erected over the said river Schuylkill, at or near the city of Philadelphia, at the place deemed most convenient, as hereinafter mentioned, the property of the said bridge shall be vested in the said president, directors and company, and their successors, during and unto the end of twenty-five years, to commence from the time when the bridge is completed; and the said president, directors and company, and their successors, may demand and receive toll from travelers and others, agreeably to the following rates, which shall be written or printed, and published or placed in or near the said bridge, for the information of passengers, viz; for every coach, landau, phaeton, or other pleasureable carriages with four wheels, drawn by four horses, the sum of twenty cents, and so in proportion if more

horses are added, and for the same carriages with two horses, the sum of twelve cents; for every loaded wagon with four horses, the sum of seventeen cents, and for every carriage of the same description drawn by two horses, the sum of twelve cents; for every chaise, riding chair, sulkey, cart, or other two wheel carriage, or a sleigh or sled with two horses, the sum of ten cents, and so in proportion if more horses are added to the number herein mentioned, and for the same with one horse, the sum of six cents; for a single horse and rider the sum of two cents; for every horse or mule without a rider, the sum of one cent; for every foot passenger, the sum of one cent; for every head of horned cattle, the sum of one cent; for every living sheep or swine, the sum of half a cent; but the said tolls shall be from time to time so regulated, that no more than three-fourths of the tolls demandable in other cases shall be taken for the transportation of the produce of the country, and for those laden with manure half toll; empty carriages of burden to pass for half toll, and a proportion of the foregoing tolls to be added to the sums chargeable for carriages of burden laden with more than two tons, wood and stone not to be considered as lading entitling carriages to diminution of toll. Provided always, That nothing in this act contained shall extend to authorize the said company to erect a bridge, without the consent of the owners of the ground on each side of and contiguous to the said river, where the said bridge may be erected, or to erect the same in such manner as to injure, stop or interrupt the navigation of the said river by boat, craft, or vessels without masts; and when the said tolls shall exceed fifteen per cent. net annual profit, the excess shall compose a fund for the redemption of the bridge, so as to render it free, save that there shall always be a small toll or other revenue for keeping it in repair; this excess shall be laid out in bridge stock, or other productive funds, and the dividends or annual product shall be also added to this fund, and all private donations for freeing the bridge shall also be received and invested in like manner; but if, by the operation of the fund herein proposed, there shall be a sufficient sum to free the bridge at a period less than the said twenty-five years, then it shall be redeemed and become

free, on the stockholders being paid the appraised value thereof, and of the profits thereof for the residue of the said term of twenty-five years, which may then be unexpired; and if the said fund shall not be adequate to the purpose last mentioned, the legislature may, at the expiration of the said twenty-five years, declare it a free bridge (providing at the same time the means of keeping it in repair) and the company shall be obliged to take such sum of money therefor, as shall be allowed on a fair appraisement by different persons; the like appraisement shall take place when the sinking fund is adequate to the redemption of the bridge, and the establishment of a revenue, if toll be not thought more eligible, for keeping the bridge in repair; but if the said bridge shall not be redeemed and paid for as a free bridge, before or at the expiration of the said term of twenty-five years, the said corporation may and shall continue to hold the same on the terms of this act beyond the said term, and until the same shall be redeemed and paid for in manner herein directed.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That in fixing the toll of all carriages drawn wholly or in part by oxen, two oxen shall be estimated equal to one horse.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That if the said president, directors and company, or their successors, or any person by their authority, shall collect or demand any greater rates or prices for passing over the said bridge, than what was hereinbefore prescribed and specified, or shall neglect to keep the said bridge in good repair, on ten days' notice given by or from any magistrate of the city or county of Philadelphia, they so offending shall, for every such offence, forfeit and pay the sum of fifty dollars, one moiety thereof for the use of the poor of the city and county of Philadelphia, and the other moiety for the use of the person who may sue for the same. Provided always, That no suit or action shall be brought, unless within thirty days after such offence shall be committed.

[Section XIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the said president.

directors and company shall also keep a just and true account of all money received by their several respective collectors of tolls for crossing the said bridge, and shall make and declare a dividend of the profits and income thereof among all the stockholders, deducting first therefrom all contingent costs and charges, and such propositions of the said income as may be deemed necessary for the growing fund, to provide against the decay, and for the rebuilding and repairing of the said bridge; and shall, on every first Monday in January and July of every year, publish the dividend to be made of the said clear profits thereof among the stockholders, and of the time and place where and when the same shall be paid, and shall cause the same to be paid accordingly.

[Section XIV.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That the said president, and directors shall, at the end of or within every third year from the date of the incorporation, lay before the general assembly of this commonwealth an abstract of their accounts, showing the whole of the capital expended in the prosecution of the said work, and of the income and profits arising from the said bridge, for and during the said respective periods, together with an exact account of the costs and charges of keeping the said bridge in repair, and all other contingent costs and charges, to the end that the clear annual income and profits thereof may be ascertained.

[Section XV.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That if the said company shall not proceed to carry on the said work within the space of two years after they have been incorporated, or shall not within the space of five years from the passing of this act complete the said bridge, it shall and may be lawful for the legislature of this commonwealth to resume all and singular the rights liberties and privileges, hereby granted to the said company.

[Section XVI.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall wilfully, or without the orders of the said president and directors, pull down, break, or destroy, with intent to injure any part or parts of the said bridge, or of any abutment,

pier or piers, or of any of the tollhouses, gates, bars, or other property of the said corporation, appurtenant to or erected or made for the use and convenience of the said bridge, or the persons employed in conducting the business thereof, or shall wilfully, without the orders and consent of the said corporation, or any person or persons authorized by them, obliterate, deface or destroy the letters, figures or other characters, in any written or printed list of the rates or tolls affixed, or to be affixed, in any place or places, for the information of passengers and others, or who shall wilfully and maliciously obstruct or impede the passage on or over the said bridge, or any part or parts thereof, he, she or they, so offending, shall, and each of them shall forfeit and pay to the said president, directors and company, the sum of thirty dollars, to be sued for and recovered before any justice of the peace, in like manner, and subject to the same rules and regulations, as debts under twenty pounds may be sued for and recovered; and he, she, or they, so offending, may and shall remain liable to actions at the suit of the said president, directors and company, for further damages for such torts, if the said sum or sums herein mentioned be not sufficient to repair and satisfy such damages.

Passed March 16, 1798. Recorded L. B. 6 p.—, etc. A grant of land was made to this company by the Act of April 4, 1799, Chapter 2052; and the time for building the bridge was extended by the Act of February 1, 1800, Chapter 2099.

CHAPTER MCMLXXV.

A SUPPLEMENT TO AN ACT, ENTITLED “AN ACT TO PREVENT THE EXPORTATION OF BREAD AND FLOUR NOT MERCHANTABLE, AND FOR REPEALING, AT A CERTAIN TIME, ALL THE LAWS HERETOFORE MADE FOR THAT PURPOSE.”¹

Whereas it has been represented that the manner of collecting the fees for the inspection of flour is inconvenient, and frequently occasions loss to the inspector.

[Section I.] (Section I. P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the inspector of flour for the city and county of Philadelphia, be and it is hereby, authorized to demand and receive payment of the said fees of inspection from the owner or owners, his, her or their agents or factors, or other persons in possession of the said flour at the time of inspection, and that the said owner or owners, his, her or their agents or factors, or other persons in possession of the said flour, shall pay to the said inspector the full amount of the fees due and owing for the said inspection.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the owner or owners, his, her or their agents or factors, or other persons in possession of the said flour at the time of inspection, so paying the fees of inspection, are hereby authorized to demand and receive the said fees of inspection, from the persons purchasing from the owner or owners, his, her or their agents or factors, or other persons in possession of the flour so inspected; and that the said fees of inspection, so paid, shall be a charge on the sale of the said flour by the owner or owners, his, her or their agents or factors, or other persons in possession after its inspection, distinct and separate from the price agreed on for the said flour.

Passed March 16, 1798. Recorded L. B. 6, p. 247, etc.

CHAPTER MCMLXXVI.

AN ACT FOR RAISING, BY WAY OF LOTTERY, A SUM, NOT EXCEEDING FIVE THOUSAND FIVE HUNDRED DOLLARS, TO BE APPLIED TO THE DEFRAYING THE EXPENSES OF ERECTING A SCHOOL HOUSE IN THE TOWNSHIP OF NEW HANOVER, IN THE COUNTY OF MONTGOMERY, AND OF PURCHASING A LOT AND ERECTING A CHURCH IN THE BOROUGH OF HARRISBURG.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Penn-

¹Passed April 5, 1781, Chapter 936.

sylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That Thomas Brook, Israel Orleip, John Yost, Isaac Shantz, Henry Messimer, Cassimer Messimer, John Lightner, Jacob Messiner, Adam Brandt and Francis Bigony be, and they are hereby, appointed commissioners, to raise, by way of lottery, a sum, not exceeding five hundred dollars, to be by them applied to the defraying the expenses of erecting a school house in New Hanover township, in the county of Montgomery, in such manner as to the said commissioners, or a majority of them, may appear most beneficial to the inhabitants of said township.

[Section II.] (Section II. P. L.) And be it further enacted by the authority aforesaid, That Robert Harris, George Whitehill, Christian Kunkle, William Graydon, George Brinzer, Adam Boyd, Jacob Bucher Archibald McAllister and Samuel Elder be, and they hereby are, appointed commissioners, to raise, by way of lottery, a sum, not exceeding five thousand dollars, to be by them applied to defraying the expense of purchasing a lot, and erecting a church thereon, for the use of the Presbyterian congregation in the borough of Harrisburg, in the county of Dauphin.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners, previous to selling any tickets in the said lotteries, shall lay the respective schemes thereof before the governor of this commonwealth, to be approved of by him, and shall also enter into bonds to the governor for the due and faithful performance of their duty in drawing of the said lotteries.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners shall pay and discharge such prizes, as shall be demanded by persons legally entitled thereto, after the drawing of the said lottery shall be completed.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That each of the said Commissioners shall, previous to entering upon the duties of his office, take and subscribe an oath or affirmation, diligently and faithfully to perform the duties intrusted to them; and at least three of them

shall attend at the respective drawings of each day; and when the whole is completed, shall cause an accurate list of the fortunate numbers, in the New Hanover lottery, to be published in at least one newspaper printed in the city of Philadelphia, and of the Harrisburg lottery, in the newspaper printed at Harrisburg; and the expenses necessarily attending the carrying this act into effect shall be paid by the said commissioners, out of the net proceeds of said lotteries respectively.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the said first named commissioners be, and they are hereby, authorized to settle and adjust all accounts, which may be exhibited by any person or persons legally employed in carrying this act into effect.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That all prizes not demanded within twelve months after publication, as aforesaid, shall be considered as relinquished for benefit of the respective undertaking.

Passed March 16, 1798. Recorded L. B. No. 6, p. 252.

CHAPTER MCMLXXVII.

AN ACT AUTHORIZING CERTAIN LOTTERIES.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That John Holme, John B. Gilpin, Edward Duffield, junior, William Lardner, John Keen, Humphrey Waterman, Thomas Holme and Strickland Foster, or a majority of them, be, and they are hereby, appointed commissioners, to raise, by way of lottery, a sum, not exceeding five thousand and four dollars, to be by them applied to defray the expense of completing the Lower Dublin Academy, and to pay

what debts have already accrued on the same, in such manner as to the majority of the trustees of said institution shall appear most beneficial for the purposes of said Academy.

[Section II.] (Section II, P. L.) And be it further enacted by the authority foresaid, That Frederick Boyer, junior, Doctor Robert Johnston, John McClenachan, John Gerhart, John Neigh, junior, and John Bezore, or a majority of them, be, and they are hereby, appointed commissioners, to raise, by way of lottery, a sum, not exceeding twelve hundred dollars, to be by them applied to defraying the expense of finishing the German Episcopal Church in the town of Green Castle, in the county of Franklin.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That Prestly Nevill, George Stevenson, John Scull, Isaac Craig, Nathaniel Bedford, James Brison, George Shiras, Jeremiah Barker and Nathaniel Irish, or a majority of them, be, and they are hereby, appointed commissioners, to raise, by way of lottery, a sum, not exceeding twelve thousand dollars, to be by them applied and expended in constructing and erecting piers, wharves, or other means for securing the banks of the Allegheny and Monongahela rivers, within the borough of Pittsburgh, in the county of Allegheny, from being undermined or destroyed by the currents of the said rivers.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the commissioners before named, previous to selling any tickets in the said respective lotteries, shall lay the several schemes before the governor of this commonwealth, to be approved of by him, and shall also enter into bonds to the governor, for the due and faithful payment and drawing of the said lotteries.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the commissioners hereinbefore mentioned shall pay and discharge such prizes, as shall be demanded by persons legally entitled thereto, ten days after the drawing of the said lottery shall be completed, and the remainder to be faithfully applied to the purposes hereinbefore mentioned.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That each of the said commissioners shall, previous to entering upon the duties of his office, take and subscribe an oath or affirmation, diligently and faithfully to perform the duties intrusted to him; and at least three of them shall attend at the drawing of each day; and when the whole is completed, shall cause an accurate list of the fortunate numbers, in the Lower Dublin Academy lottery, to be published in at least one of the newspapers in Philadelphia; and in the Green Castle lottery, in the newspaper printed in Chambersburg; and in the Pittsburgh lottery, in the newspaper published in Pittsburg.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the commissioners be, and they are hereby, authorized to settle and adjust all accounts, which may be exhibited by any person or persons legally employed in carrying this act into effect.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That all prizes not demanded within twelve months after publication, aforesaid, shall be considered as relinquished for the benefit of the respective undertakings.

Passed March 16, 1798. Recorded L. B. No. 6, p. 250.

CHAPTER MCMLXXVIII.

A SUPPLEMENT TO THE ACT ESTABLISHING AN EXPLICIT FEE BILL.¹

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, the inspector of staves and heading shall be entitled to

¹Passed April 20, 1795, Chapter 1863.

receive from the exporter of the same, for every customary thousand thereof, thirteen cents, in addition to the fees now allowed; and that this act shall continue in force two years, and thence until the end of the next session of the general assembly.

Passed March 16, 1798. Recorded L. B. No. 6, p. 246, etc. Extended and made perpetual by Act of March 15, 1800, Chapter 2136.

CHAPTER MCMLXXIX.

AN ACT FOR RAISING, BY WAY OF LOTTERY, THE SUM OF TWO THOUSAND FOUR HUNDRED DOLLARS, FOR THE PURPOSE OF COMPLETING A BRIDGE OVER BIG SWATARA CREEK, AT JONESTOWN.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That William Campbell, Valentine Shousler, Robert Boal, Peter Beasore, Michael Leidigh, William Stewart, Isaac Herrison, Michael Strow, senior, Henry Stein and Peter Spyker, or a majority of them be, and they are hereby, appointed commissioners, to raise, by way of lottery, the sum of two thousand four hundred dollars, to be applied by the said commissioners to the purpose of completing the bridge over Big Swatara creek at Jonestown, in the county of Dauphin.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners above named shall, previous to their selling any tickets, lay the scheme of the said lottery before the court of quarter sessions for Dauphin county, for their approbation, and shall enter into bonds to the governor of this commonwealth, in the sum of five thousand dollars, for the faithful discharge of their duty, as well in paying all prizes and prize money, as applying the money so raised to the completing the bridge aforesaid, which bonds, duly executed, shall be lodged in the office of the prothonotary

of Dauphin county, for the use of any person aggrieved by the neglect or misconduct of the said commissioners; and the said commissioners shall lodge in the said prothonotary's office a list of all the prizes and fortunate numbers drawn in the same lottery, and shall also publish the same in one more of the public newspapers in Reading and Harrisburg; and all prizes, which shall not be demanded within nine months after the publication of the list as aforesaid, shall be deemed as given up for the purpose above mentioned, and applied accordingly.

Passed March 16, 1798. Recorded L. B. No. 6, p. 250.

CHAPTER MCMLXXX.

AN ACT TO ENABLE THE OWNERS AND POSSESSORS OF THE BRISTOL ISLAND MEADOWS, IN THE TOWNSHIP OF BRISTOL, AND COUNTY OF BUCKS, TO KEEP THE BANKS, DAMS, SLUICES AND FLOOD GATES IN REPAIR, AND TO RAISE A FUND TO DEFRAY THE EXPENSES THEREOF.

Whereas there is a certain parcel of meadow land, called the Bristol Island meadows, the property of John Massey, James Sterling, Israel Tonkin, John Huston, and William Hewson, situate in the township of Bristol, and county of Bucks, bounding the river Delaware, and lying about a mile above the mouth of Neshaminy creek, which for a considerable time past has been embanked, but which has of late been greatly impaired and out of order, for want of proper management and regulations. And whereas all the owners of the said meadows have, by their petition, prayed the legislature for a law, to enable the owners and possessors of the meadows aforesaid to keep the banks, dams, sluices and flood gates in repair, and to raise a fund to defray the expenses thereof, in such manner and form as that each shall bear an equal ratable proposition of burden, ac-

according to the quantity of acres he holds. And to insure the attainment of these just objects, and the prayer of the said petition being just and reasonable. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same That all and every the owner and owners of the meadows aforesaid, or so many of them as shall think fit, may meet on the first Monday in April next, at the house of Charles Bessonet, in the borough of Bristol, in the county of Bucks aforesaid, and then and there, by a majority of those met, shall chose, by tickets in writing, three fit persons, owners or possessors of land meadows within the boundaries of said meadows, to be managers, and one fit person to be treasurer, for the year ensuing, and shall also then and there choose, in like manner, by a majority of those met, one or more skillful surveyors, to view the premises, and to ascertain the outlines of all the said meadows, and to survey and make a plot or map of the several quantities of the said meadow ground belonging to each owner; and the said managers shall cause the said map or plat, signed by such surveyor or surveyors, to be recorded among the public records in the county of Bucks, and shall afterwards keep the same, on behalf and for the use of the owners of the said meadow, who shall hereafter be called "The Bristol Island Meadow Company."

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That, from and after the passing of this act, all the banks, dams, sluices and flood gates within the district of the Bristol Island meadows aforesaid, and all and every other matter or thing, for the common benefit, shall be made, repaired, amended, maintained, done and performed, by and under the direction of the managers, for the time being, or any two of them, and the costs, charges and expenses thereof shall be paid out of the company's stock, by an order or orders of such manners, or any two of them, on the company's treasurer; and the said managers are hereby authorized and required, immediately after their first election, and afterwards four times a year, and oftener, if they or any of them see occasion, to enter

upon and inspect the condition of all the said banks, dams, sluices and floodgates, and all other conveniences necessary for stopping out the tides and draining off the back waters, and thereupon to make and do all such repair, matters and things, as shall be necessary for the common benefit, and at the common expense, as aforesaid.

[Section III.] (Section III, P. L.) And in order to enable the managers to comply with the directions of this act as aforesaid, Be it further enacted by the authority aforesaid, That the said managers hereafter to be chosen, or any two of them, shall lay a rate or assement, not exceeding eight dollars per acre at one time, and so from time to time as they shall see occasion, upon all and every the owners and possessors of meadow land within the district of the Bristol Island meadows aforesaid, in proportion and according to the quantity of acres each owner or possessor shall or may hold, agreeably to the survey hereinbefore directed to be made, which said rate or rates, from time to time, the said owners or possessors shall, within ten days after demand made, pay to or deposit in the hand of the said treasurer, there to remain, subject to the drafts and orders of the said managers, or any two of them, for the purpose aforesaid: and if the said rates or assessments are paid by the tenants or renters, the same shall or may be deducted out of their rent, unless he or they are under a contract to the contrary with the owner or owners.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the owners of the Bristol Island meadows aforesaid, or as many of them as shall think fit, to meet together on the first Monday in April, yearly, and every year, at the said house of Charles Bessonnet, in the borough of Bristol aforesaid, or such other convenient places as shall hereafter be appointed by the managers, to be chosen as aforesaid, and then and there, by a majority of those met, shall choose, by ballot or ticket in writing, three fit persons, owners or possessors of land within the boundaries of said meadows, to be managers and one fit person to be treasurer, for the said district, for the year then next ensuing.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That if any of the owners or possessors, elected managers as aforesaid, on due notice given in writing if his election by some one of the company present at the said election, shall refuse, or afterwards neglect to do the duty required of him or them by this act, he or they, so refusing or neglecting his or their duty, shall forfeit and pay to the treasurer for the time being the sum of twenty dollars, to be added to the common stock of the company, unless he shall have served two years successively in the said office, which fine shall be recovered in the manner hereinafter directed for the recovery of other money payable to the said treasurer, and the other manager or managers shall proceed in the execution of his or their office without him or them, or, if he or they think fit, may choose other or others of the said owners or possessors to be manager or managers, in the place of him or them so refusing or neglecting; and if the person so elected treasurer shall refuse or neglect to take upon him the duties, or give the security required by this act, or shall misbehave himself, or by death or otherwise be rendered incapable to execute the said office, in any of these cases, the managers, or any two of them, for the time being, shall choose another fit person [not a manager] to be treasurer for the year.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That every treasurer hereafter to be chosen shall, before he takes upon him the execution of his office, enter into an obligation to the managers for the time being, in double the value of the money that doth or [or] probably may come into his hands during his continuance in office, as near as can be estimated by the managers, conditioned, that he will once in every three months, or oftener if required, render his accounts to the said managers, and well and truly account and settle with them, when required, for and concerning all moneys that are or shall come into his hands by virtue of this act, or that belong to the said company, and shall well and truly pay the balance that shall appear to be in his hands, or any part of it, to such persons, and to such services, as the said managers for the time being, or any two of them, shall order and

appoint, and not otherwise, and that he will, at the expiration of his office, well and truly pay, or cause to be paid and delivered, all the money then remaining in his hands, together with the books of accounts concerning the same, and all other papers and writing in his keeping belonging to the said company, unto his successor in the said office, and that he will do and execute all other matters and things, as treasurer to the said company, according to the true sense and meaning of this act.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the managers for the time being, or any two of them, shall, before the day hereinbefore appointed for the payment of the yearly quotas or assessment, cause a true list of the names of all and every the owners or possessors, with a true account of all and every acre of meadow in the aforesaid tract, which they respectively have, hold or possess, exclusive of flats, and creeks and banks, according to the survey thereof hereinbefore directed to be made, noting, from time to time, the several changes, alternations and transfers of right, in the several parts and parcels thereof, as they shall come to know knowledge, and shall furnish the treasurer with a copy thereof, together with the sum per acre of the general assessment for the current time or year, according to which list or account, the treasurer for the time being shall demand and receive the several sums of their assessments in every year. raised or assessed by virtue of this act, and shall cause notice of the said rate or assessment per acre to be given, at least ten days before the day of payment in every year.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That if any of the said owners or possessors shall neglect or refuse to pay to the treasurer for the time being, the several sums of money hereinbefore directed to be raised and paid, at any time hereafter, for the space of three months after the same ought to be paid as aforesaid, or shall neglect or refuse, on demand, to reimburse the treasurer for the time being his or their proposition of the necessary costs and expenses of making or repairing the banks, dams, sluices or floodgates, or other conveniences for the common benefit, in manner as is hereinbefore directed, then it shall and may be lawful to and for the

treasurer for the time being, by direction of the said managers, or any two of them, in his own name, to sue all and every such person or persons, so refusing or neglecting, for the respective sum or sums of money which he or they ought to have paid by virtue hereof, by action of debt, before any justice of the peace of the county having jurisdiction in the premises, or in any court of records where the same may be cognizable, and give this act, and the said assessments, or the said account, in evidence, as the case may require; and the said justice of the peace, and the said court, are hereby directed and empowered to give judgment and grant execution for the same, with costs of suit accordingly, to be levied on the goods and chattels, or on the tract or piece of meadow belonging to such owner or owners, so neglecting or refusing, and delivered unto the managers for the time being, who, or any two of them, are hereby authorized and empowered to sell the said goods and chattels, or to let out on rent the said meadow, or any part thereof, belonging to any of the said owners or possessors, who shall so neglect or refuse, or who shall not be found in the county for so long time, as until the rent or rents arising therefrom shall, as nearly as may be computed, pay all such sum or sums of money so assessed or so charged, together with all costs arising thereon, for his or their neglect or refusal to pay the same as aforesaid, and no longer. Provided, That in letting out the said meadow the said managers do publicly notify the leasing thereof, and let the same to the highest bidder at public sale or bargain.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That no suit, process or proceedings whatsoever, which at any time hereafter, shall be commenced, sued or prosecuted, in manner hereinbefore directed, shall be discontinued or put without day, by reason of the death, disability or removal of such treasurer, but shall stand good and effectual in law, to all intents and purposes, notwithstanding such death, disability or removal.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That if any owner or owners, possessor or possessors, shall think him, her or themselves, ag-

grieved by any order, account or proceeding of the managers, such owner or owners, possessor or possessors, shall, if he, she or they think proper, choose two fit and disinterested persons, and the said managers, or any two of them, shall choose two other fit and disinterested persons, who, or any three of them, shall finally settle the same; but if the four referees so to be chosen should be equally divided in opinion respecting the said dispute, then they are hereby empowered to call to their aid, and choose one other fit and disinterested person, who, concurring with any two of the said referees, shall, in conjunction with them, finally settle the said dispute.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall intentionally cut through, break down or endamage any of the said banks, dams, sluices or flood gates, either their own or others, or shall let in any creek or water to annoy, injure or overflow any of the said meadows, and shall thereof be legally convicted, in all such cases the person or persons so offending shall be fined in any sum not exceeding treble the value of all the damages, to be assessed by two or more indifferent persons, to be appointed by the said court to value the same, which fine shall be paid to the treasurer of the said company for the time being, and added to the common stock, for the general use and benefit of the said Bristol Island Meadow Company.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the owners of the said meadows, or a majority of them, may, at any time, make, ordain and establish such rules, ordinances and by-laws, as shall be necessary to promote the well-being and good order of the said company, and for the better regulation of their concerns and affairs provided that such rules ordinances and by-laws or any of them, be not repugnant to this act, to the constitution and laws of this commonwealth, or to the constitution and laws of the United States,

CHAPTER MCMLXXXI.

AN ACT TO ERECT PART OF QUEMAHONING TOWNSHIP, IN SOMERSET COUNTY, INTO A SEPARATE ELECTION DISTRICT.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That all the north part of Quemahoning township, in Somerset county, from a line running due west from the Bedford county line, on the summit of Allegheny mountain, so as to intersect Stony creek at the mouth of Mill creek, to the Westmoreland county line, on the Laurel hill, is hereby erected into a separate election district, to be called the fifth election district; and the freemen thereof shall hold their elections at the house now occupied by Miles Philips, in the town of Beula.

Passed March 16, 1798. Recorded L. B. No. 6, p. 247, etc.

CHAPTER MCMLXXXII.

AN ACT DECLARING, PINE CREEK IN THE COUNTY OF LYCOMING, A PUBLIC STREAM AND HIGHWAY.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Pine creek, in the county of Lycoming, from the month up to the third fork thereof, be, and the same is hereby, declared to be a public stream and highway, for the passage of

boats and rafts, under the limitations and restrictions hereinafter specified; and it shall and may be lawful for the inhabitants desirous of using the navigation of the said creek to remove all natural and artificial obstructions, from the mouth thereof up to the third fork of the same; and also to erect such slopes at the mill-dam now built on the said creek as may be necessary for the passage of rafts or boats, provided such slopes shall be so constructed as not to injure the works of said dam.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That nothing in this act contained shall be deemed, taken or understood to prevent any person or persons possessing land on said creek, who, before the passing of this act, had authority, under the laws of this commonwealth, to erect a dam or dams, from erecting such dam or dams, provided that such dam or dams be so constructed and kept in repair by the owner or owners thereof, with complete slopes or locks on convenient parts of such dams, as that the navigation for boats and rafts will not be injured thereby.

Passed March 16, 1798. Recorded L. B. No. 6, p. 249.

CHAPTER MCMLXXXIII.

AN ACT TO AUTHORIZE EDMUND MILNE TO COMMENCE A SUIT
AGAINST THE COMMONWEALTH, UPON CERTAIN CLAIMS WHICH
HE HAS AGAINST THE SAME.

Whereas it is represented to the legislature that the agents for confiscated estates in the county of Philadelphia, in the year one thousand seven hundred and eighty-two, sold to Edmund Milne a certain tract of land, and appurtenances, situate in Whitpain township, then in the county aforesaid, which land had been forfeited by John Robinson, and was, at the time of sale, subject, by the directions of the last will of John Robinson, and by the last will of William Robinson, to the annual

payment of certain sums to their widows, which annuities the said Edmund Milne alleges were unknown to him at the time of purchasing the said estate. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That Edmund Milne be, and he is hereby, authorized to commence an action on the case against this commonwealth, in the supreme court, for the moneys claimed by him of this commonwealth, to which action the attorney-general is hereby authorized and directed to appear, on behalf of the said commonwealth, as defendant, and plead the general issue.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That upon the trial aforesaid the jury shall inquire, ascertain and determine whether any and what sum is due from the commonwealth to the said Edmund Milne, upon the claim aforesaid; and if the said jury shall find for the plaintiff, and judgment be given thereupon, the governor is hereby authorized and required to draw, in the usual manner, a warrant on the treasurer of the state, for the sum of money which shall be found to be due from the commonwealth to the said Edmund Milne; and the treasurer shall pay the same out of the moneys appropriated for the support of government.

Passed March 16, 1798. Recorded L. B. No. 6, p. 248.

CHAPTER MCMLXXXIV.

AN ACT TO GRANT A SUM OF MONEY TO THE TRUSTEES OF THE ACADEMY AND FREE SCHOOL OF BUCKS COUNTY

Whereas the trustees of the academy and free school of Bucks county, established at Newtown, in the said county, have prayed that a sum of money may be granted them, to erect a suitable building for the accommodation of the said institution.

[Section I.] (Section I, P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the sum of four thousand dollars be, and the same is hereby, granted to the trustees of the academy and free school of Bucks county, established at Newtown, for the purpose of erecting a suitable building for the accommodation of the said institution, to be paid out of the aggregate funds of this commonwealth.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the said trustees shall teach, or cause to be taught, gratis, in the said academy, as many poor scholars as may be offered, provided the number does not exceed ten at any one time.

Passed March 16, 1798. Recorded L. B. No. 6, p. 247, etc.

CHAPTER MCMLXXXV.

AN ACT TO AFFORD RELIEF TO PITTSBURG ACADEMY, IN THE COUNTY OF ALLEGHENY.

Whereas it appears that the trustees of the Pittsburg Academy have erected a building for the use of the institution, the expense of which has in a degree been discharged by private donations, but that there is a considerable balance still due, which they are unable to discharge, or to extend the building as necessary, not having funds for that purpose. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the Governor be, and he is hereby, empowered and required to draw his warrant on the treasurer of this commonwealth, in favor of the trustees of

Pittsburg academy, for the sum of five thousand dollars, for the purpose of enabling the said trustees to complete the buildings for the said institution; which warrant the said treasurer is hereby authorized to pay out of the funds appropriated for the support of government.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That there shall be admitted into the said academy any number of poor students, who may at any time be offered, in order to be taught gratis, provided the number so admitted and taught shall at no time be greater than ten, and that none of the said students shall continue in the said academy longer than two years, if others should apply for admittance.

Passed March 16, 1798. Recorded L. B. No. 6, p. 315, etc.

CHAPTER MCMLXXXVI.

AN ACT FOR ERECTING PART OF THE COUNTY OF NORTHAMPTON INTO A SEPARATE COUNTY.

Whereas the inhabitants of the northern part of Northampton county have, by their petitions, set forth to the general assembly of this state the great hardships they labor under, from being so remote from the present seat of justice and the public offices.

[Section I.] (Section I, P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That all that part of Northampton county, lying and being to the northward of a line to be drawn and beginning at the west end of George Michael's farm, on the river Delaware, in Middle Smithfield township, and, from thence a straight line to the mouth of Trout creek, in the Lehigh, adjoining Luzerne county, shall be, and the same is hereby declared to be erected into a county, henceforth to be called Wayne.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the inhabitants of the said county of Wayne be entitled to, and shall, at all times hereafter, have all and singular the courts, jurisdictions, officers, rights and privileges, to which the inhabitants of other counties of this state are entitled by the constitution and laws of this commonwealth.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That, from and after the first day of September next, the courts of common pleas and general quarter sessions in and for the said county of Wayne, shall be opened and held at the house now occupied by George Buchanan, at Milford, in the said county of Wayne, until a court house shall be erected in and for the said county, as hereinafter directed, and shall then be held at said court house.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That no suit or prosecution which has been heretofore commenced, or which shall be commenced in the courts of the county of Northampton before the first day of September next, shall be delayed, discontinued or affected by this act, but the same shall be issued and done of all such judgments by the sheriff and coroner of Northampton county, as if this act had not been made.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That all taxes, and arrears of taxes, laid, or which have become due, within the county of Wayne, before the passing of this act, and all sums of money due to this commonwealth for militia fines in the said county of Wayne, shall be collected and recovered, as if this act has not been made.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the sheriff, treasurer and prothonotary, and all such officers as have heretofore usually given county of Wayne, before they, or any of them, shall enter on the execution thereof, shall give sufficient security, in the same offices, who shall hereafter be appointed or elected in the said surety for the faithful discharge of the duties of their respective

manner and form, and for the same uses, trusts and purposes, as such officers for the time being are obliged by law to do in the county of Northampton.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the sheriff, coroner and other officers of the county of Northampton, other than the justices of the peace, shall continue to exercise the duties of their respective offices within the county of Wayne, until similar officers shall be appointed, agreeably to law, within the said county.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the inhabitants of the county of Northampton, and of the county of Wayne, shall jointly elect four representatives, and one senator, to serve in the legislature of this commonwealth, in the same mode, under the same regulations, and make return in the same manner, as is or shall be directed by the laws of this commonwealth for conducting and making returns of the elections of the county of Northampton, anything in this act to the contrary notwithstanding.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the governor be, and be is hereby, authorized and required to appoint three commissioners who, or a majority of them, shall meet at the house of George Michael, in Middle Smithfield township aforesaid, on the first Monday in September next, and proceed to run the boundary line between the county of Northampton and the county of Wayne; for which service the said commissioners shall have and receive three dollars per diem, and a responsible allowance for their expenses, for every day they shall be employed in the said service, to be paid by warrants drawn by the county commissioners on the treasurer of Northampton county.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That Daniel Strowd, Abraham Horn, John Molhallon, Samuel C. Seely and Samuel Stanton, of the counties of Northampton and Wayne, be and they are hereby appointed trustees for the county aforesaid, with full authority for them, or a majority of them, to fix on the most eligible

spot for the seat of justice in and for the said county, and to purchase or take and receive, by grant, bargain or otherwise, any quantity or quantities of land within the said county, and to survey and lay out the same in town and outlots, and they, or a majority of them, are hereby authorized to sell, at public auction, after due notice given in the public newspaper of the borough of Easton, and convey in fee simple, clear of any reservations whatsoever, so many of said town lots and outlots as they may think proper, and with the money so arising from the sale of said lots, and with other money to be duly assessed, levied and collected, within the said county of Wayne, for that purpose, to pay for the lands thus purchased, and to build or erect a court house and gaol, suitable and convenient for the public, on such of the town lots as aforesaid as shall have been reserved for that purpose; and the said trustees shall have and receive three dollars per diem for their services, out of the moneys to be raised in pursuance of this act, and shall from time to time render true and faithful accounts of the expenditures of the same, not only to the commissioners, but to the auditors of accounts, for the said county of Wayne, for inspection, adjustment and settlement.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the commissioners of the said county of Wayne, which shall be elected at the next annual election, to take assurance to them, and their successors in office, of such lot or piece of ground, as shall have been approved of by the trustees appointed as aforesaid, or a majority of them, for the purpose of erecting thereon a court house, gaol and offices for safe keeping of the records; and that for defraying the expenses thereof, the said county commissioners are hereby authorized to assess, levy and collect, in the manner directed by the acts for raising county rates and levies, a sum, not exceeding two thousand dollars.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the aforesaid county of Wayne shall be, and is hereby, declared to belong to the third district, consisting of the counties of Berks, Northampton, Luzerne, Northumberland and Lycoming; and the president of

the court of common pleas within the said district shall be the president of the courts of common pleas of the said county; and that the courts of common pleas and quarter sessions shall be held on the Mondays next after those of Lycoming county.

[Section XIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the said county of Wayne shall form a part of the district composed of the counties of Montgomery, Bucks and Northampton, for the election of members of congress.

[Section XIV.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That the judges of the supreme court shall have the like powers, jurisdictions and authorities, within the said county of Wayne, as by law they are vested with and entitled to have and exercise in other counties of this state.

[Section XV.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That where the division line shall divide a township, the part of the township thus divided which will remain in Northampton county shall be a township, and the part of the township thus divided which may lie in the county of Wayne shall be a township, and retain its original name, until the same shall be altered by the courts of quarter sessions of the said counties respectively.

[Section XVI.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That part of Middle Smithfield, which will lie in the county of Wayne, and Delaware township, in the county aforesaid, are hereby erected into a separate election district, and that the electors thereof shall hold their annual election at the house now occupied by William Smith, in Delaware township aforesaid.

[Section XVII.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That the townships of Matlack and Upper Smithfield, in the said county, are hereby erected into a separate election district, and the electors thereof shall hold their annual elections at the house now occupied by George Buchanan, in Upper Smithfield township aforesaid.

[Section XVIII.] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That that part of Wayne

county, not included in the above mentioned districts, is hereby declared to be separate election district, and the electors thereof shall hold their annual elections at the house now occupied by Elijah Dix. •

Passed March 21, 1798. Recorded L. B. No. 6, p. 241, etc.

CHAPTER MCMLXXXVII.

AN ACT DECLARING THE RIVERS OHIO AND ALLEGHENY, AND CERTAIN BRANCHES THEREOF, PUBLIC STREAMS OR HIGHWAYS.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, the river Ohio, from the western boundary of the state up to the mouth of the Monongahela, Big Beaver creek, from the mouth up to the first fork in the seventh district of donation land, the Allegheny river, the mouth of the northern boundary of the state, French creek to the town of LeBoeuf, and Conewago creek, from the mouth thereof to the state line, Conewango creek, from the mouth up to the main forks, Little Coniate creek, from the mouth up to the inlet of the Little Coniate lake, Toby's creek, from the mouth up to the second fork, Oil creek, from the mouth up to the main fork, Broken Straw creek, from the mouth up to the second fork, Sandy Lick or Red Bank creek, from the mouth up to the second great fork, be, and the same are hereby, declared to be public streams and highways, for the passage of boats and rafts; and it shall and may be lawful for the inhabitants or others, desirous of using the navigation of the said river and branches thereof, to remove all natural obstructions in the said river, and branches aforesaid.

Passed March 21, 1798. Recorded L. B. No. 6, p. 245, etc.

CHAPTER MCMLXXXVIII.

AN ACT TO PROVIDE FOR COPYING THE RECORDS OF THE SEVERAL
ROADS HERETOFORE LAID OUT, AND WHICH HEREAFTER MAY BE
LAID OUT, IN THE COUNTY OF PHILADELPHIA.

Whereas it hath been represented to the legislature, that the records of roads within the county of Philadelphia have, from the lapse of time and unavoidable accidents, been much injured, and are in danger of becoming unintelligible. For remedy whereof:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the commissioners of the county of Philadelphia be, and they are hereby, authorized and required forthwith to furnish the clerk of the general quarter sessions of the peace for the said county with one or more blank paper books, in which it shall be the duty of the said clerk to copy, or cause to be copied, all the records of the several roads heretofore laid out, or which hereafter may be laid out, in the said county; and the expense incurred in the purchase of the said book or books, and in copying therein the said records, shall be defrayed by the said commissioners out of the county stock.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the copies of the said records having been entered in one or more books as aforesaid, and carefully collated with the originals by the said clerk, and a certificate thereof laid before the court of general quarter sessions of the peace for the county of Philadelphia aforesaid, shall, from thenceforth, be considered as matters of record, and all exemplifications therefrom shall have the same force and effect, as if the same were made from the original records.

Passed March 21, 1798. Recorded L. B. No. 6, p. 245, etc. As to opening, paving roads, etc., in the Province, see the Act of March 21, 1772, Chapter 653; and also as to paving in the City of Philadelphia, the Act of February 18, 1769, Chapter 594.

CHAPTER MCMLXXXIX.

AN ACT TO CONFIRM THAT PART OF THE ROAD LAID OUT FROM PHILADELPHIA TO THE BOROUGH OF YORK, BY WEST CHESTER, STRASBURG AND THE BLUE ROCK, WHICH LIES BETWEEN FAWKS' TAVERN AND WEST CHESTER.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That so much of the road laid out from Philadelphia to the borough of York, by West Chester, Strasburg and the Blue Rock, as lies between Fawk's tavern and West Chester, is hereby confirmed, agreeably to the review and report made and filed in the office of the Secretary of this commonwealth, bearing date the eighteenth day of November, one thousand seven hundred and ninety-six,¹ by virtue of an act of General Assembly passed the fourth day of April, one thousand seven hundred and ninety-six, and the courts of quarter sessions of the respective counties, through which the said road passes, are hereby authorized and required to cause the same to be opened, agreeably to the said report and the existing laws of this commonwealth.

Passed March 21, 1798. Recorded L. B. No. 6, p. 246, etc.

CHAPTER MCMXC.

AN ACT TO ENABLE THE GOVERNOR OF THIS COMMONWEALTH TO INCORPORATE A COMPANY, FOR MAKING AN ARTIFICIAL ROAD FROM THE CITY OF PHILADELPHIA, THROUGH GERMANTOWN, BY THE ROUTE OF CHESTNUT HILL, TO THE TWELVE MILE STONE ON THE READING ROAD, AND THENCE TO READING, IN THE COUNTY OF BERKS.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Penn-

¹Chapter 1899.

sylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That Joseph Heister, Jacob Bower, Daniel Rose, Samuel Lafferty, George Douglass and Abraham Lincoln, of the county of Berks, and Benjamin Chew, junior, Casper W. Haines, Samuel Betton, John Fromberger, George Logan and Isaac Franks, of the city and county of Philadelphia, be, and they are hereby, appointed commissioners, to do and perform the several duties hereinafter mentioned, that is to say, they shall, on or before the first day of May next, procure two books, and in each of them enter as follows: "We, whose names are hereto subscribed, do promise to pay to the president, managers and company of the Germantown and Reading Turnpike Road Company, the sum of one hundred dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportions, and at such times, as shall be determined by the said president and managers, in pursuance of an act of the general assembly of this commonwealth, entitled, "An act to enable the governor of this commonwealth to incorporate a company, for making an artificial road from the city of Philadelphia, through Germantown, by the route of Chestnut Hill, to the twelve mile stone on the Reading road, and thence to Reading, in the county of Berks." Witness our hands the day of , in the year of our Lord one thousand seven hundred and ninety ; and shall give notice, in three of the public newspapers in the city of Philadelphia, one whereof shall be in the German language, and in one of the public newspapers in the borough of Reading, for one calender month at least, of the times when, and places where, the said books will be open to receive subscriptions of stock for the said company; at which times and places some three of the said commissioners shall attend, and shall permit and suffer all persons, who shall offer to subscribe in the said books, which shall be kept open for the purpose at least four hours in every juridical day, for the space of three days, if three days shall be necessary; and on the first of the said days any person of the age of twenty-one years shall be liberty to subscribe, in his own name, or in the name or names of any other person or persons by whom he shall be authorized, for one share; on the

second day, for one or two shares; on the third day, for one, two or three shares, and on any succeeding day while the said books shall remain open, for any number of shares of the said stock; and if, at the expiration of the said three first days, the said books shall not have five thousand shares therein subscribed, the said commissioners may adjourn from time to time, until the said number of shares shall be subscribed, of which adjournments public notice shall be given in at least two public papers; and when the said subscriptions in the said books shall amount to the number aforesaid, the same shall be closed; and if on that day, and before the said subscriptions shall be declared to be full, applications shall be made to subscribe more shares than will fill the said books, then the said commissioners shall apportion the whole number of shares unsubscribed on the morning of that day among all those, who shall have unsubscribed or offered to subscribe as aforesaid on that day, by deducting from the subscribers of more shares than one such proportion of the shares by them respectively subscribed, as will, with the least fraction, and leaving every person one or more shares, come nearest to the exact number of shares aforesaid. Provided always, That every person offering to subscribe in the said books, in his own name, or in the name of any other person, shall previously pay to the attending commissioners fifteen dollars for every share to be subscribed, out of which shall be defrayed the expense attending the taking such subscriptions, and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized, and the officers chosen, as hereinafter mentioned.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That when one hundred persons or more shall have subscribed five hundred or more shares of the said stock, the said commissioners may, or when the whole number of shares aforesaid shall be subscribed, they shall certify, under their hands and seals, the names of the subscribers, and number of shares subscribed by or apportioned to each subscriber, to the governor of this commonwealth, and thereupon it shall and may be lawful for the governor, by letters patent, under his hand and the seal of the state, to create and erect the

subscribers, and if the said subscription be not full at the time, then also those who shall after subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of "The President, Managers and Company of the Germantown and Reading Turnpike Road;" and by the said name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfill the intent of this act, and of purchasing, taking and holding, to them and their successors and assigns, in fee simple, and for any lesser estate, all such lands, tenements, hereitaments and estate, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and of being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the seven persons first named in the said letters patent shall, as soon as conveniently may be, give thirty days' notice in three public newspapers in Philadelphia, one whereof shall be in the German language, and in one of the public newspapers in the borough of Reading, of the time and place by them appointed for the said subscribers to meet, in order to organize the said corporation, and to choose, by a majority of votes of the said subscribers, by ballots to be delivered in person, one president, twelve managers, one treasurer, and such other officers as shall be deemed necessary to conduct the business of the said company, until the second Monday in January next, and until like officers shall be chosen, and may make such by-laws, rules, orders and regulations, as do not contravene the constitution and laws of this commonwealth, and may be necessary for the well governing the affairs of the said company. Provided always, That no person shall have more than ten votes at any election, or in determining any question arising at such meeting, whatever number of shares he may

be entitled to, and that each person shall be entitled to one vote for every share by him held under eleven shares.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said company shall meet on the second Monday of January in every year, at such place as shall be fixed by their by-laws, for the purpose of choosing such other officers as aforesaid for the ensuing year, in manner aforesaid, and at such other times as they shall be summoned by the managers, in such manner and form as shall be prescribed by their by-laws, at which annual or special meeting they shall have full power and authority to make, alter or repeal, by a majority of votes, in manner aforesaid, all such by-laws, rules, orders and regulations made as aforesaid, and to do and perform any other corporate act.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the president and managers first chosen, as aforesaid, shall procure certificates for all the shares of the stock of the said company, and shall deliver one such certificate, signed by the president, and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person, for every share by him subscribed and held, he paying fifteen dollars for each share, which certificate shall be transferable at his pleasure in person, or by attorney, duly authorized, in the presence of the president or treasurer, subject, however, to all payments due and to grow due thereon; and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for the purpose, shall be a member of the corporation, and for every certificate assigned to him as aforesaid shall be entitled to one share of the capital stock, and of all the estate and emoluments of the company, and to vote, as aforesaid, at the meetings thereof.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall meet at such times and places as shall be ordained by their by-laws, and, when met, seven members shall form a quorum, and who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions fairly

entered in a book; and a quorum being formed, they shall have full power and authority to appoint all such surveyors, engineers, superintendents and other artists and officers, as they shall deem necessary to carry on the intended works, and to fix their salaries and wages, to ascertain the times when and manner and proportions in which the stockholders shall pay the moneys due on their respective shares, to draw orders on the treasurer for all moneys necessary to pay the salaries or wages of persons by them employed, and for the materials provided, which orders shall be signed by the president, or in his absence, by a majority of a quorum, and countersigned by their clerk, and, generally, to do all such other acts, matters and things, as by this act, and by the by-laws, rules, orders and regulations of the company, they shall be authorized to do.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That if any stockholder, after thirty days' notice in three of the public newspapers printed in the city of Philadelphia, and in one of the public newspapers printed in the borough of Reading, of the time and place appointed for the payment of any proportion or dividend of the said capital stock, in order to carry on the work, shall neglect to pay such proportions or dividend at the place appointed, for the space of thirty days after the time so appointed, every such stockholder, or his assignee, shall, in addition to the dividend so called for, pay after the rate of five per centum per month for every month's delay of such payment, after the time first appointed for it to be made; and if the same, and the said additional penalty, shall remain unpaid for such space of time, as that the accumulated penalties shall become equal to the sums before paid in part and on account of such share, the same shall be forfeited to the said company, and may and shall be sold to any person or persons willing to purchase, for such price as can be obtained for the same.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said president and managers, their superintendants, surveyors, engineers, artists and chain-bearers, to enter into and upon all and every the lands and enclosures, in,

through and over which the said intended turnpike road may be thought proper to pass, and to examine the ground most suitable for the purpose, and the quarries and beds of stone and gravel, and other materials, in the neighborhood, that will be necessary in making and constructing the said road.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the said road shall be made in, over and upon the bed of the present road, beginning at the intersection of Front street with the Germantown road, and extending hence through Germantown to the top of Chestnut Hill, thence to Hickory town, thence to the Trappe, thence to Pottstown, and thence through the borough of Reading to the river Schuylkill, as nearly as may be consistently with economy and utility. Provided always, That in case benefit may arise from diverting the course of the said artificial road from the bed of the old road, it may be lawful for the said president and managers to alter and change the course thereof, so as to avoid difficult hills or waters, or obtain better sites for bridges, by and with the consent and approbation of the owners of the lands through which the proposed variations shall be made.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said president and managers, by and with their superintendents, engineers, artists, workmen and laborers, with their tools and instruments, carts, wagons, wains and other carriages, and beasts of draft or burden, to enter upon the lands, in, over, contiguous and near to which the route and track of the said intended road shall pass, first giving notice of their intention to the owners thereof, or their representatives, and doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and making amends for any damages that may be done to any improvements thereon, and also for the value of the materials, by appraisements, made in the manner hereinafter directed, and upon reasonable agreement, if they can agree, if they cannot agree, then upon an appraisement to be made, upon oath or affirmation, by three disinterested reputable freeholders, to be mutually chosen, whose award, or the award of any two of them, shall be final;

and if either the said president and managers, or the said owners, shall, upon due notice, neglect or refuse to join in the choice, then it shall and may be lawful for any justice of the peace of the county where the said damages may be done, not interested on either side, to appoint the said freeholders; and upon tender of the value so appraised as aforesaid, it shall and may be lawful for the said president and managers, or for any person or persons by his or their directions, to dig, take and carry away any stone, gravel, sand or earth, there being most conveniently situated for making or repairing the said road.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the said president, managers and company shall cause a road to be laid out, sixty feet wide, and at least thirty feet thereof to be made an artificial road, bedded with wood, stone, gravel or any other hard substance, well compacted together, and of sufficient depth to secure a solid foundation to the same; and the said road shall be faced with gravel or stone pounded, or other small hard substance, in such manner as to secure a firm, and, as near as the materials will admit of it, an even surface, rising towards the middle by a gradual arch, and so nearly level in its progress, as that it shall in no place rise or fall more than will form an angle of four degrees with an horizontal line, and shall forever hereafter maintain and keep the same in good and perfect order and repair, from the city of Philadelphia, by the route or track aforesaid, through the said town of Reading, to the river Schuylkill, in Berks county; and the said president, managers and company shall have power to erect permanent bridges over all the waters crossing the said route or track.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That so soon as the said president, managers and company shall have perfected the said road, from the city of Philadelphia to the ten mile stone on Chestnut Hill, and so on, from time to time, any other like distance of ten miles progressively from the said city to the town of Reading, in the county of Berks, they shall give notice thereof to the governor of the commonwealth, who shall thereupon forthwith nominate and appoint three disinterested and skill-

ful persons to view and examine the same, and report to him, in writing, whether the said road is so far executed, in a masterly and workmanlike manner, according to the true intent and meaning of this act; and if their report shall be in the affirmative, then the governor shall, by license under his hand and the lesser seal of the commonwealth, permit and suffer the said president, managers and company to erect and fix such and so many gates or turnpikes upon and across the said road, as will be necessary and sufficient to collect the tolls and duties hereinafter granted to the said company, from all persons traveling on the same, with horses, cattle, carts and carriages.

[Section XIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the said company, having perfected the said road, or such part thereof, from time to time, as aforesaid, and the same being examined, approved and licensed, in manner aforesaid, it shall and may be lawful for them to appoint such and so many toll-gatherers, as they shall think proper, to collect and receive of and from all and every person and persons using the said road, the tolls and rates hereinafter mentioned, and to stop any person riding, leading or driving any horses, cattle, hogs, sheep, sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled or other carriages of burden or pleasure, from passing through the said gates or turnpikes, until they shall respectively have paid the same, that is to say, for every space of ten miles in length of the said road the following sums of money, and so in proportion for any greater or lesser distance, or for any greater or lesser number of sheep, hogs or cattle, to wit: for every score of sheep, twelve cents; for every score of hogs, twelve cents; for every score of cattle, twenty-five cents; for every horse and his rider, or led horse, six cents; for every sulkey, chair or chaise, with one horse and two wheels, twelve cents; for every chariot, coach, phaeton or chaise, with two horses and four wheels, forty cents; for either of the carriages last mentioned, with four horses, sixty cents; for every other carriage of pleasure; under whatever name it may go, the like sums, according to the number of wheels and horses drawing the same; for every stage wagon with two horses, twenty-five cents; and for every such wagon with four horses, forty cents; for every sleigh, six cents for each

horse drawing the same; and for every sled, four cents for each horse drawing the same; for every cart or wagon whose wheels do not exceed the breadth of four inches, ten cents for each horse drawing the same; for every cart or wagon whose wheels shall exceed in breadth four inches and not exceed seven inches, six cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than seven inches and not more than ten inches, or being of the breadth of seven inches, shall roll more than ten inches, five cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than ten inches and not exceed twelve inches, or being ten inches, shall roll more than fifteen inches, three cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than twelve inches, two cents for every horse drawing the same; and if any person or persons shall represent to the said company, or any of their officers, that he, she or they have traveled a less distance than he, she or they have actually traveled along the said road, with intent to defraud the said company of its toll, or any part thereof, such person or persons shall, for every such offence, forfeit and pay to the use of the said company the sum of twenty dollars; and if any tollgatherer shall demand and receive toll for a greater distance than the person of whom such toll is demanded shall have traveled along the said turnpike road, or shall demand and receive greater toll from any person or persons than such tollgatherer is authorized to demand and receive by virtue of this act, such tollgatherer shall forfeit and pay the sum of twenty dollars for every such offence, to the use of the overseers of the poor of the township in which the forfeiture is incurred, and for the payment of which the said company shall be responsible. Provided always nevertheless, That this penalty shall not be incurred by the said gatekeeper, unless where the old York road, the Whitmarsh road, the Swamp road, or the old Reading road shall lead into the said artificial road between the gates for which toll is charged.

[Section XIV.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That no wagon or other carriage with four wheels, the breadth of whose wheels shall not be four inches, shall be drawn along the said road between the first day of December and the first day of May following, in any year or years, with a greater weight thereon than two and an half tons, or with more than three tons the residue of the year; that no such carriage, the breadth of whose wheels shall not be seven inches, or, being six inches or more, shall not roll at least ten inches, shall be drawn along the said road, between the said first days of December and May, with more than three and an half tons, or with more than four tons during the residue of the year; that no such carriage, the breadth of whose wheels shall not be ten inches or more, or, being less, shall not roll at least twelve inches, shall be drawn along the said road, between the said first days of December and May, with more than five tons or with more than five and an half tons during the residue of the year, that no cart or other carriage with two wheels, the breadth of whose wheels shall not be four inches, shall be drawn along the said road with a greater weight thereon than one and a quarter tons, between the said first days of December and May, or with more than one and an half tons during the residue of the year, that no such carriage, whose wheels shall not be the breadth of seven inches, shall be drawn along the said road with more than two and an half tons, between the said first days of December and May, or with more than three tons during the residue of the year; that no such carriage, whose wheels shall not be of the breadth of ten inches, shall be drawn along the said road, between the said first days of December and May, with more than three and an half tons, or with more than four tons during the residue of the year; that no greater weight than seven tons shall be drawn along the said road in any carriage whatever, between the said first days of December and May, nor more than eight tons during the residue of the year; that no cart, wagon or carriage of burden whatsoever, whose wheels shall not be of the breadth of nine inches at least, shall be drawn or pass in or over the said

road, or any part thereof, with more than six horses, nor shall more than eight horses be attached to any carriage whatsoever used on the said road; and if an wagon or other carriage shall be drawn along the said road by a greater number of horses, or with a greater weight than is hereby allowed, the owner or owners of such carriage shall forfeit and pay four times the customary toll, to the use of the company. Provided always, That it shall and may be lawful for the said company, by their by-laws, to alter any or all of the regulations herein contained respecting the burdens on carriages to be drawn over the said road, and to substitute other regulations, if, upon experience, such alterations shall be found conducive to the public good; provided always, that such regulations shall not lessen the burden or carriages above described.

[Section XV.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That all such carriages as aforesaid, to be drawn by oxen in the whole, or partly by horses and partly by oxen, two oxen shall be estimated as equal to one horse, in charging all the aforesaid tolls, and every mule as equal to one horse.

[Section XVI.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That if the said company shall neglect to keep the said road in good and perfect order and repair, for the space of five days, and information thereof shall be given to any justice of the peace of the neighborhood, such justice shall issue a receipt, to be directed to any constable, commanding him to summon three distinterested freeholders to meet at a certain time, in the said precept to be mentioned, at the place in the said road which shall be complained, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto, and the said justice shall, at such time and place, by the oaths or affirmations of the said freeholders, inquire whether the said road, or any part thereof, is in such good and perfect order and repair, as aforesaid, and shall cause an inquisition to be made, under the hands of himself and a majority of the said freeholders, and if the said road shall be found by the said inquisition to be out of order and repair, contrary to the true intent and meaning of this

act, the said justice shall certify and send one copy of the said inquisition to each of the keepers of the turnpikes or gates between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates, for passing the interval of road between them, shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put in good and perfect order and repair, as aforesaid, and if the same shall not be so put into good and perfect order and repair before the next general court of quarter sessions of the peace, to be held for the county wherein the said defective part or parts of the said road shall be, the aforesaid justice shall certify and send a copy of the inquisition aforesaid to the justices of the said court, and the said justices shall thereupon cause process to issue, and b[e]ing in the body or bodies of the person or persons intrusted by the company with the care and superintendence of such part of the said road, as shall be so found defective, and shall proceed upon such inquisition, in the same manner and form, as upon indictments found by the grand inquest for the body of the county against supervisors of the highways for neglect of their duty; and if the person or persons intrusted by the said company as aforesaid shall be convicted of the offence by the said inquisition charged, the said court shall give such judgment, according to the nature and aggravation of the neglect, as according to right and justice would be proper in the case of supervisors of the highways neglecting their duties; and the fines and penalties so to be imposed shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said court, and shall be paid to the supervisors of the highways of the township wherein the offence was committed, to be applied to repairing such highways as the township or county is bound to maintain and repair at the public expense thereof.

[Section XVII.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons whatsoever owning, riding in, or driving any sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled, or other carriage of burden or pleasure, or owing, riding, leading, or driving any horse, mare, gelding, hogs, sheep, or cattle, shall therewith

pass through any private gate or bars, or along or over any private passage way or other ground, near to or adjoining any turnpike or gate erected, or which shall be erected, in pursuance of this act, with an intent to defraud the company and evade the payment of the toll or duty for passing through any such gate or turnpike, or if any person or persons shall, with such intent, take off, or cause to be taken off, any horse, mare, gelding or other cattle, from any sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled, or other carriage of burden or pleasure, or practice any other fraudulent means or device, with the intent that the payment of any such toll or duty may be evaded or lessened, all and every person and persons, in all and every or any of the ways or manners aforesaid offending shall, for every such offence, respectively forfeit and pay to the president, managers and company of the Germantown and Reading turnpike road the sum of thirty dollars, to be sued for and recovered, with costs of suit, before any justice of the peace, in like manner and subject to the same rules and regulations as debts under twenty pounds may be sued for and recovered.

[Section XVIII.] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That the president and managers of the said company shall keep fair and just accounts of all moneys received by them from the said commissioners, and from the subscribers to the said undertaking on account of the several subscriptions, and of all penalties for delay in the payment thereof, and of the amount of the profits on the shares which may be forfeited as aforesaid, and also all moneys by them expended in the prosecution of their said work, and shall, once at least in every year, submit such accounts to a general meeting of the stockholders, until the said road shall be completed, and until all the costs, charges and expenses of effecting the same shall be fully paid and discharged, and the aggregate amount of such expenses shall be liquidated and ascertained, and if, upon such liquidation or whenever the capital stock of the said company shall be nearly expended, it shall be found that the said capital stock will be insufficient to complete the said road, according to the true intent and meaning of this act (it shall and may be lawfully for the said president, managers and company,

at a stated or special meeting, to be convened according to the provisions of this act, or their own by-laws, to increase the number of shares to such extent, as shall be deemed sufficient to accomplish the work, and to receive and demand the moneys subscribed for such shares, in like manner and under the like penalties as are hereinbefore provided for the original subscriptions, or as shall be provided by their by-laws.

[Section XIX.] (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That the said president, managers and company shall also keep a just and true account of all and every the moneys received by their several and respective collectors of tolls, at the several and respective gates or turnpikes on the said road, from beginning to end; and shall make and declare a dividend of the clear profits and income thereof, all contingent costs and charges being first deducted, among all the subscribers to the said company's stock; and shall, on every the first Monday in January and July, in every year, publish the half yearly dividend to be made of the said clear profits among the stockholders, and of the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

[Section XX.] (Section XX, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall, at the end of every year, from the date of the incorporation until the whole road shall be completed, lay before the general assembly of this commonwealth an abstract of their accounts, showing the whole amount of their capital expended in prosecution of the said work, and of the income and profits arising from the said tolls, for and during the said respective periods, together with an exact account of the costs and charges of keeping the said road in repair, and all other contingent costs and charges, to the end that the clear annual income and profits thereof may be ascertained and known, and if, at the end of two years after the said road shall be completed, from the beginning to the end thereof, it shall appear, from the average profits at the end of the said two years, that the said clear income and profits thereof will not bear a dividend of six per centum per annum on the whole capital stock of the

ning of this act, then, in either of those cases, all and singular the rights, liberties, privileges and franchises hereby granted to the company, shall revert to this commonwealth.

Passed March 29, 1798. Recorded L. B. No. 6, p. 261.

CHAPTER MCMXCI.

AN ACT FOR RUNNING AND ASCERTAINING CERTAIN LINES OF THE COUNTIES OF BEDFORD, HUNTINGDON, SOMERSET AND WESTMORELAND.

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor shall be, and he is hereby, authorized to appoint three commissioners, for the purpose of running, marking and ascertaining part of the lines between the counties of Bedford and Huntingdon, according to the following boundries, that is to say; beginning at the Old Gap, in Sideling Hill, where Sideling Hill creek crosses the same; thence in a straight line by the northerly side of Sebastian Shoup's mill, on the Baystown branch of Juniata; thence in a straight line to the Elk Gap, in Tussey's Mountain.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners shall mark, run and ascertain part of the lines between the counties of Huntingdon and Somerset, according to the following boundaries, that is to say; beginning on that part of the line between the counties of Bedford and Huntingdon, near the southerly side of Blair's Mill, at the foot of the Allegheny mountain; thence across the said mountain, in straight line, to and along the ridges dividing the waters of Conemaugh from the waters of the Clearfield and Chest creeks, to the line of Westmoreland county; thence by the same to the Old Purchase line, which was run from Kittanning to the west branch of the Susquehanna.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners shall mark, run and ascertain part of the lines between the counties of Westmoreland and Somerset, according to the following boundaries, that is to say; beginning where Black Lick intersects the said line or north end of Laurel Hill; thence along the ridge of the said hill northeastward, so far as it can be traced, or until it runs into the Allegheny hill; thence along the ridge dividing the waters of Susquehanna and the Allegheny rivers to the purchase line at the head of Susquehanna.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners, or any two of them, shall make different duplicate plots of the lines so run, and shall lodge one of each thereof with the recorder of deeds of each county bounded by the lines so run, in order to their being entered on record, from and after which the said lines shall be taken and deemed the boundaries of the said counties, so far as they extend.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the expenses attending the execution of the duties enjoined upon the commissioners, so as aforesaid appointed, shall be paid by the respective counties bounded by the said lines, in equal proportion for those lines adjoining them, for which purpose the commissioners of the respective counties are hereby authorized to draw warrants on the respective treasurers, in favor of the said commissioners appointed to run the lines aforesaid.

CHAPTER MCMXCII.

AN ACT TO REPEAL AN ACT, ENTITLED, "AN ACT FOR RAISING, BY WAY OF LOTTERY, THE SUM OF SIXTY THOUSAND DOLLARS, FOR ACCOMPLISHING THE BUILDING A STONE BRIDGE OVER THE RIVER SCHUYLKILL, AT THE BOROUGH OF READING, AND FOR OTHER PURPOSES THEREIN MENTIONED."¹

Whereas the commissioners appointed by an act, entitled, "An act for raising, by way of lottery, the sum of sixty thousand dollars, for the accomplishing the building a stone bridge over the river Schuylkill, at the borough of Reading," have represented to the legislature that they, agreeably to the directors of the said act, performed the several duties enjoined on them, as far as they were able, in order to sell and dispose of the tickets, yet, out of thirty thousand tickets, they have not been able to sell five thousand, and that they have not the smallest prospect of disposing of the remainder within any reasonable time, so as to enable them to draw the said lottery, the said commissioners therefore pray of the legislature of this commonwealth to pass a law, authorizing and empowering them to take back the tickets which they have disposed of, and return the money received for the same, and to be exonerated from all the duties required of them by the aforesaid act, and from all claims which may be made in consequence thereof, except for the money which they respectively may have received for tickets; and that suitable persons may be appointed in Berks county to settle and liquidate their accounts, and that the treasurer of the said county may be enabled to pay, out of the county stock, the several sums so found due to them for the expenses which have accrued on the said lottery, and for their services. And whereas it appears to be the wish of the purchasers of tickets in the said lottery that a law should pass, authorizing the said commissioners to take back the tickets sold by them, and return the money received for the same. Therefore:

¹Passed March 29, 1796, Chapter 1891.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the commissioners appointed by an act, entitled, "An act for raising, by way of lottery, the sum of sixty thousand dollars, for accomplishing the building a stone bridge over the river Schuylkill, at the borough of Reading," to take back the tickets which they have disposed of under the authority of the said act, and to refund to purchasers the money received for the same; and the said commissioners are hereby exonerated from all the duties required by the said act, and from all claims which may be made on them by virtue thereof, except for the money which they, or any of them, may have received for tickets disposed of as aforesaid.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That Daniel Udree, Daniel Ludwig and John Whitman, junior, be, and they are hereby, appointed auditors to settle and liquidate the accounts of the said commissioners; and the said auditors are hereby enjoined and required to make report of such settlement, under their hands, or the hands of a majority of them, to the commissioners of the county of Berks, who are hereby required to draw orders on the county treasurer for the payment of all sums so found due to the commissioners of the lottery aforesaid for the expenses which have accrued on said lottery, and for their services as commissioners; and the treasurer of the county is hereby authorized and directed to pay the [the] same; and the commissioners of the county shall be allowed in their settlement all such sums so paid; and the said auditors shall be allowed one dollar and thirty-three cents per diem, respectively, whilst employed in the said business, together with such incidental and unavoidable expenses as the commissioners of the county shall think reasonable.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the aforesaid act, entitled, "An act for raising, by way of lottery, the sum of sixty thousand dollars, for accomplishing the building a stone bridge over the

river Schuylkill, at the borough of Reading," passed the twenty-ninth day of March, in the year one thousand seven hundred and ninety-six, * be, and the same is hereby, repealed and made null and avoid.

Passed March 29, 1798. Recorded L. B. No. 6, 258.

CHAPTER MCMXCIII.

AN ACT TO ANNEX PART OF BEDFORD COUNTY TO THE COUNTY OF FRANKLIN.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That all that part of Bedford county, commonly called the Little Cove, and lying eastward of a line to begin in the Maryland line, near the Great Cove, or Tuscarora mountain, thence running northeasterly along the summit of the said mountain until it intersects the present line between Bedford and Franklin counties, shall, from and after the passing of this act, be annexed to the county of Franklin, and shall, until otherwise ordered by the court of quarter sessions for the said county, be considered as part of Montgomery township; and the electors thereof shall meet at the same place, and hold their general elections with the electors of the township aforesaid.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the commissioners of the counties of Bedford and Franklin, or at least one of the said commissioners from each county, shall meet, as soon as conveniently may be after the passing of this act, and employ a skillful surveyor to run and mark, in a plain and legible manner, a line, under their direction, agreeably to the provisions of this act;

*See ante.

and it shall be the duty of the said commissioners to make report of the course or courses, and distances, of the said line, to the courts of quarter sessions of their respective counties, there to remain of record, as the established line between said counties; and the expenses necessarily incurred in running and marking said line shall be paid out of the treasury of Franklin county, upon a warrant or warrants to be drawn by the commissioners of said county.

Passed March 29, 1798. Recorded L. B. No. 6, p. 258.

CHAPTER MCMXCIV.

AN ACT FOR THE RELIEF OF JOHN GLEN.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor be, and he is hereby, authorized to draw his warrant on the state treasurer, for the sum of six hundred dollars, in favor of John Glen, a disabled soldier, who served in the militia during the late revolutionary war, to be paid out of the funds appropriated for the support of government.

Passed April 4, 1798. Recorded L. B. No. 6, p. 281.

CHAPTER MCMXCV.

AN ACT TO CONTINUE IN FORCE, FOR A LIMITED TIME, THE ACT, ENTITLED, "AN ACT TO EXTEND THE POWERS OF THE JUSTICES OF THE PEACE IN THIS STATE, AND FOR OTHER PURPOSES THEREIN MENTIONED."

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Penn-

sylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the act, entitled, "An act to extend the powers of the justices of the peace in this state," passed the nineteenth day of April, one thousand seven hundred and ninety-four,¹ except so far as the same has been since altered or supplied, be, and the same is hereby, continued in force until the first day of April, one thousand eight hundred and three, and from thence to the end of the next session of the general assembly, and no longer.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the powers of the said justices, and of the alderman and aldermens' court, shall be extended to all cases of rent not exceeding twenty pounds, so far as to compel the landlord to defalcate, or set off the just account of the tenant out of the same, but the landlord may waive further proceedings before the justice or aldermen, and distrain in the usual manner for the balance so settled; but if any landlord shall be convicted, after such waiver, in any court of record, of distraining for and selling more than to the amount of such balance, and of detaining the surplus, he shall forfeit to the tenant four times the amount of the sum detained.

Passed April 4, 1798. Recorded L. B. No. 6, p. 274, etc. See Chapter 1754, and note to Chapter 365. The second section of the Act in the text was repealed by the Act of March 1, 1799, Chapter 2025.

CHAPTER MCMXCVI.

AN ACT TO EXTEND THE TIME FOR PATENTING LANDS.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the act, entitled, "An act to ex-

¹Chapter 1754.

tend the time of patenting lands," passed on the twenty-first day of March, one thousand seven hundred and ninety-two, and all matters and things therein contained, shall be, and the same hereby is, further extended unto the last day of December, which will be in the year one thousand seven hundred and ninety-nine, and from thence to the end of the next session of the general assembly.

Passed April 4, 1798. Recorded L. B. No. 6, p. 274.

CHAPTER MCMXCVII.

AN ACT TO RE-ENACT CERTAIN LAWS RELATIVE TO COUNTY RATES AND LEVIES.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the several acts of assembly relative to county rates and levies, which were in force on the first day of January, one thousand seven hundred and ninety-seven, are hereby re-enacted, and shall continue in force until the first day of December, one thousand eight hundred, and from thence to the end of the next session of the general assembly and no longer.

Passed April 4, 1798. Recorded L. B. No. 6, p. 283. See note to Act of March 20, 1724-25, Chapter 234. See also Act of April 17, 1795, Chapter 1852; and the repealing Act of April 11, 1799, Chapter 2095.

CHAPTER MCMXCVIII.

AN ACT TO MAKE CERTAIN APPROPRIATIONS AS WELL AS FOR OTHER PURPOSES THEREIN MENTIONED.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by

the authority of the same, That for the payment of the following debts and expenses of government, there be appropriated, out of the funds for the support of government, the sum of nineteen thousand three hundred and forty-five dollars twelve cents; that is to say, for advertising the sale and second payment of lots and outlots in the towns of Erie, Franklin, Waterford and Warren, and commissioners' compensations, clerks' wages, commissions on sales, and allowance for conducting the same, the sum of two thousand one hundred and thirty-one dollars four cents; for the necessary clerk hire, printing, stationery, attendance, expresses, fuel, and other contingent expenses of the executive department, for one year from the passing of this act, including all balances which former appropriations are not sufficient to discharge, the sum of three thousand five hundred dollars; for the payment and discharge of certain certificates, issued under the authority of the act, entitled, "An act to provide for the settlement of the public accounts, and for other purposes therein mentioned," passed the fourth day of April, one thousand seven hundred and ninety-two, ¹ the sum of eleven thousand dollars; for the payment of clerks to be employed in the office of the comptroller-general, in settling the accounts of the late comptroller-general and state treasurers, the sum of one thousand five hundred and forty-one dollars; for the payment of clerks to be employed in the office of the register-general in settling the accounts of the said late comptroller-general and state treasurers, the sum of nine hundred and fifty-two dollars; for the payment of David C. and Septimus Claypoole, for newspapers furnished the members of the legislature at their late session, the sum of sixty-four dollars and eight cents; for the payment and discharge of a debt due to Steiner and Kammerer, for printing the journal of the late house of Representatives in the German language, the sum of ninety-six dollars; for the payment and discharge of a debt to Alexander James Dallas, for draughting bills for committees of the late house of Representatives, the sum of sixty-one dollars.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the comptroller-general and register-general shall have the like power to settle and adjust

the interest due upon the said certificates, issued under the authority of the said act, entitled, "An act to provide for the settlement of the public accounts and for other purposes therein mentioned," passed the fourth day of April, one thousand seven hundred and ninety-two, and under the same checks and limitations as they have in the settlement of other accounts; provided, however, that no interest shall be allowed upon the said certificates from and after the passing of this act.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the said comptroller and register-general shall have the like power to settle with every person and persons, for any services rendered or moneys disbursed, or debts in any way contracted, for the discharge of which appropriations are made by this act, as are vested in them by the act recited in the next preceeding section of this act, and under the same checks and limitations as are provided for them in the settlement of other accounts.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the governor shall lay before the next general assembly a particular account of the disbursements made on account of the expenses of the executive department.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That all warrants to be drawn on the treasury, for the sums of money appropriated by this act, shall be by the governor, under the same regulations and restrictions as are directed in other cases.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the comptroller-general and register-general shall, in the first week of the next general assembly, lay a particular and separate statement before each house, of the progress they have made in the settlement of the accounts of the late comptroller-general and state treasurers; and if any difficulties arise in performing their respective duties, they shall at the same time make report to each house of such difficulties, that legislative measures may be taken to remove them.

¹Chapter 1627.

Passed April 4, 1798. Recorded L. B. No. 6, p. 275, etc.

CHAPTER MCMXCIX.

AN ACT PROVIDING THAT THE PERSON OF A DEBTOR SHALL NOT BE LIABLE TO IMPRISONMENT FOR DEBT, AFTER DELIVERING UP HIS ESTATE FOR THE BENEFIT OF HIS CREDITORS, UNLESS HE HATH BEEN GUILTY OF FRAUD OR EMBEZZLEMENT.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That any debtor, having been an inhabitant of this state for two years next before his application, may apply, by petition in writing, to the judges of the supreme court, or to the judges of the court of common pleas of the county where the said debtor resides, in term time, and offer to deliver up to the use of his creditors all his property, real, personal and mixed, to which he is in any manner entitled, a schedule whereof (on oath of affirmation) together with a list of his creditors, as far as he can ascertain them, and the nature of their debts, shall be exhibited with and annexed to his petition, and thereupon the said court may direct personal notice of such application to be given to the creditors, or so many of them as can be served therewith, or direct notice of such application to be published in the public newspapers, for such time as the said court may think proper; and on the appearance of the creditors of such debtor, or their neglect to appear on notice, at the time and place appointed, the said court may administer the following oath or affirmation to the debtor making such application: "I, A. B., do swear, or solemnly, sincerely and truly declare and affirm, that I will deliver up, convey and transfer to my creditors all my property that I have or claim any title to or interest in at this time in the world, and all debts, rights and claims which I have at this time, or that I am in any respect entitled to, in possession, reversion or remainder, and that I have not, directly

or indirectly, at any time before, given, sold, conveyed, leased, disposed of, or intrusted any part of my property, rights or claims, thereby to defraud or defeat my creditors, or any of them, or to secure the same, to receive or expect any profits, benefit or advantage thereby."

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the said insolvent shall, thereupon, exhibit to the said court a just and true account of his debts, credits and estate, real and personal, containing a statement of his losses, and the means whereby he became insolvent; and shall satisfy the said court that he has not concealed or conveyed to any person or persons whatsoever, to the use of himself or any of his family or friends, or whereby to expect any future benefit to him or them, any part of his estate, effects or credits, and shall answer all and every such questions or interrogatories touching his estate and losses, by word or in writing, as shall be put to him by the court, touching his estate or losses aforesaid, and if, upon such examination, there shall not arise strong presumption of fraud, then the said court, whether at its regular sessions, or sitting at nisi prius, or by adjournment, shall appoint such trustee or trustees, on behalf of the creditors, as two-thirds in number and value of the said creditors, who are then attending, either in person or by attorney, shall nominate, or in case the said creditors shall not attend, or not nominate any trustee, then such trustee or trustees as the said court shall think proper, and shall direct the said debtor to execute a deed to such trustee or trustees for all his property, debts, rights and claims, in trust for his creditors; and, upon the execution of such deed, the said court may make an order, that the said debtor shall not, at any time thereafter, be liable to imprisonment, by reason of any judgment or decree obtained for payment of money only, or for any debt, damage, cost, sum or sums of money contracted, accrued or occasioned, owing or becoming due before the time of such assignment, and such order shall be a sufficient warrant to the sheriff, gaoler or keeper of the prison, where any such debtor shall be then imprisoned, to discharge the said debtor, and he is hereby required to discharge and set him at liberty forthwith.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That every trustee, before he acts as such, shall give bond to the commonwealth, with security, in such penalty as the said court shall direct, for the faithful performance of his trust; and in case of the refusal or delay of any trustee to act, or in case of his death, the said court may appoint another in his room, who, before he acts, shall give bond, with security as aforesaid.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said court, who shall make the order aforesaid, may allow any such debtor to retain the necessary wearing apparel and bedding for himself and his family, and, if a mechanic or manufacturer, his tools, not exceeding in value the sum of fifty dollars.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the said trustee or trustees shall have power to compound with the debtors of the said petitioning debtor, in cases of dispute or controversy, by arbitration or otherwise, and that all such debtors shall have the benefit of a defalcation, where there are mutual debts between them and the said petitioning debtor, in like manner as in other cases.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the said trustees shall collect the debts, and sell and convey all the real, personal and mixed property of such debtors, for the best price that can be got for the same; and the net produce, after paying all necessary expenses attending the execution of the trust, and deducting the commission of the trustees, shall be divided amongst the creditors, in proportion to the amount of their several and respective debts and claims.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That any trustee or trustees may, if necessary, sue, in his or their own names, for the recovery of any property or debts belonging to such petitioning debtor, and conveyed to such trustee or trustees, agreeably to this act. Provided always, That no suit brought by such debtor, and depending at the time of his assignmeent, shall be liable to abate thereby, but the same shall be continued in his name, and

execution may be issued in his name, if judgment shall be obtained therein, for the benefit of his creditors.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the said trustees shall appoint such time and place for receiving the proofs of the creditors in support of their respective claims, and for the distribution of the said debtor's estate, as to them shall seem proper, and finally to close the accounts of the said estate and distribution at such time, not less than three months, nor exceeding twelve months, from the date of the said assignment, unless the same shall be enlarged by order of the said court after which time every creditor shall be barred from claiming any share in the distribution of the said estate. Provided always, That if any suit, in law or in equity, shall be depending, or any part of the estate shall remain undisposed of, or any future effects or estate of the said debtor shall come in, said trustees shall, as soon as possible, convert the said estate or effects into money, and within three months afterwards divide the same among the creditors as aforesaid. Provided also, That due and full notice shall be given of the several times and places of meeting for the purposes aforesaid, by advertisement in at least two of the public newspapers of the city of Philadelphia, and one nearest to the place the debtor usually resides, for four several weeks at least before such days of meeting.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That if any person, with intent to defraud all or any of the creditors, shall collude or contrive with the debtor for the concealment of any part of his estate or effects, or for giving a false color thereto, or shall contrive or concert any grant, sale, lease, bond, acknowledgment, or other like proceeding, either by parole or by writing, or shall become a grantee, purchaser, lessee, obligee, or other like party in any such fraudulent transaction, or shall, with such fraudulent intent, act as broker, scrivener, factor, agent or witness, in any proceedings as aforesaid, such persons shall, on being duly convicted according to law, forfeit and pay a sum not less than fifty dollars, nor more than ten thousand dollars, and shall

suffer imprisonment for a term not less than three months, nor more than two years, and shall, moreover, forfeit all claim which he may have to any part of the estate of such debtor.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That if any creditor or other person, at the time appointed by such court for the appearance of the debtor and his creditors, or at any time thereafter, within seven years, shall, by oath or affirmation to the said court, or to any judge thereof, or to any justice of the peace of the proper county in vacation, show any good cause to suspect that such debtor hath, directly or indirectly, sold, leased, or otherwise disposed of in trust, or concealed any part of his or her property, of any kind, or any part of his or her debts, rights or claims, thereby to secure the same, or to receive or expect any profit, benefit or advantage, thereby to deceive or defraud his or her creditors, the said court, judge or justice, as the case may be, shall commit to prison, or bind over the said debtor to the next court of quarter sessions of the peace of the proper county, there to answer for the same by indictment; and all proceedings for the relief of the said debtor, if pending, shall be stayed, to await the event of the said trial in the said court of quarter sessions of the peace; and the said debtor, if he shall be thereof convicted, shall be sentenced by the said court to suffer imprisonment at hard labor, for a term not less than one year, nor more than three years, saving the right of removing the said indictment to the supreme court, in the same manner and under the same restrictions as other indictments are removed, and to be proceeded upon in the same manner.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That at each of the said meetings for the purpose of making a dividend, creditors shall be permitted to prove their debts, and every trustee shall produce, upon oath or affirmation, his accounts, and what upon the balance to be liquidated by the trustees shall appear to be in his hands, and all just allowances for necessary expenses shall be made, and such part of the residue of the net produce of the debtor's estate, as the trustees shall direct, shall be divided among those creditors, who shall have duly proved their debts,

in proportion to the amount of the same; and the said trustees shall take receipts from each creditor, in a book to be kept for that purpose, and such receipts shall be a full discharge to the said trustees, for so much as they shall fairly pay.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That if any debtor, whose property shall be assigned according to this act, shall have satisfied all claims brought in and allowed against him, the said court shall order his estate and effects not sold to be restored to him, and he shall thereupon be seized and possessed thereof, as of his former estate; and if upon final settlement of the estate by the trustees, there shall be any surplus, the same shall be paid to such debtor, his executors or administrators.

[Section XIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the trustee or trustees of any debtor, by virtue of this act, shall receive such salary or commission for his or their trouble, as shall be thought reasonable, and ordered by the said court.

[Section XIV.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That if any debtor in vacation shall be arrested in execution, and shall apply, by petition, to any judge of the supreme court, or to the president or any two judges of the common pleas for the county where the debtor resides, and give bond to the plaintiff or plaintiffs at whose suit he is arrested, in such penalty and with such security as shall be directed and approved of by the said judge or judges, to whom the petition is exhibited, conditioned that he shall appear before the court, of which the said judge or judges is or are a member or members, at the next term, and surrender himself to prison, in case, on his said appearance, he does not comply with all things required by this act to procure his discharge, in the same manner, as if he had applied to the said court in term time, or if the proceedings of the said judge or judges shall be stopped by information, to be made, on oath or affirmation, by one of the creditors, or other person as aforesaid, then, that if, on the trial of the said issue, the said debtor shall be found guilty, he shall immediately surrender himself to prison, to be charged at the suit of the plaintiff or plaintiffs

aforesaid, in such case, and on such bond being given, the said judge or judges may give an order to the sheriff gaoler or keeper of the prison, to discharge the said debtor, who is hereby required to discharge and set at liberty forthwith.

[Section XV.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That any sheriff, gaoler or keeper of any prison, performing the duties of his office in pursuance of this act, may make return of the said order of the said court, judge or judges, as the case may be, to his or their process, which said return shall be good and effectual, to all intents and purposes whatever.

[Section XVI.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That all proceedings before any judge or judges by any trustee or trustees, by virtue of this act, together with the accounts and vouchers exhibited to the said trustee or trustees, shall be filed among the records of the court, by which the said trustee or trustees have been appointed, or of which the said judge or judges is or are a member or members.

[Section XVII.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That no debtor, who shall obtain an order of discharge as aforesaid, shall, at any time thereafter, be imprisoned by reason of any judgment obtained for payment of money only, or for any debt, damages, costs, sum and sums of money contracted, accrued, occasioned, owing or growing due before the date of the said debtor's deed of assignment; but that, upon every arrest upon such judgment, or for such debt, damages, costs, sum and sums of money, it shall and may be lawful for any judge of the court where the process issued, upon showing a copy of the order of discharge, certified by the clerk of the court where the same is recorded, under seal of office, to release and discharge the said debtor out of custody; and the said judge is directed so to do, so that the said debtor, if arrested or detained on mesne process, do give a warrant of attorney to appear to the action or actions on which he is so arrested or detained, and to plead thereunto. Provided, That the discharge of any debtor, by virtue of this [*act], shall not acquit any other person from any debt, sum or sums

of money, or any part thereof, but that all other persons shall be answerable for the same, in the same manner as before the passing of this act; and all mortgages, judgments and executions, whereby the goods and chattels, lands and tenements of the said debtor, shall be bound, shall remain good and effectual in law, and shall be first satisfied out of the debtor's estate, according to their priority of lien, in the same manner as if this act had never been passed.

[Section XVIII.] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That all persons that now are, or hereafter shall be, in actual confinement in any goal in this commonwealth by adversary process, and without any collusion with the plaintiff or plaintiffs, for any cause of action whatever, or for the non-performance of any decree for the payment of money, may, at the next term after such confinement, petition to be discharged, agreeably to the true spirit and meaning of the aforesaid sections of this act.

[Section XIX.] (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That notwithstanding the discharge of any debtor by virtue of this act, all and every debt or debts due and owing from such debtor, and all and every judgment and judgments had and taken against him, shall stand and be good and effectual [in law], to all intents and purposes, against the lands, tenements, hereitaments, goods and chattels of such debtor, which he, or any other person or persons in trust for him, at the time of his assignment, hath or have, or at any time thereafter shall or may be any ways seized or possessed of, interested in, or entitled to, in law or equity, except the necessary wearing apparel and bedding for himself and his family, and, if he be a mechanic or manufacturer, his tools, not exceeding in value the sum of fifty dollars; and it shall and may be lawful for any of his creditors, or his or their executors or administrators, to take out a new execution against the lands, tenements, hereitaments, goods and chattels of such debtor, except as before excepted, for the satisfaction of their debts, respectively, in the same manner and form as

they might have done, if the said debtor had never been taken in execution, any act, statute, law or custom to the contrary notwithstanding.

[Section XX.] (Section XX, P. L.) And be it further enacted by the authority aforesaid, That this act shall continue in force until the first day of May, in the year one thousand eight hundred and one, and no longer.

Passed April 4, 1798. Recorded L. B. No. 6, p. 300, etc. See Act of February 14, 1729-30, Chapter 315, and note, for legislation for the relief of insolvent debtors.

*The word [act] is omitted in the original law.

CHAPTER MM.

AN ACT TO PREVENT THE DISTURBANCE OF RELIGIOUS SOCIETIES WITHIN THE CITY OF PHILADELPHIA, DURING THE TIME OF DI- VINE SERVICE.

Whereas by a law of the late province of Pennsylvania, passed the sixth day of February, one thousand seven hundred and thirty-one, religious societies were enabled to purchase and to hold lands, for the purpose of erecting thereon churches and houses of religious worship, and all gifts, grants and purchases, made before that time, for the purpose aforesaid, are ratified and confirmed by the said law to the respective religious societies, for whose use the said lands were granted, and, under the faith and sanction of said law, sundry religious societies of different denominations have been induced to purchase certain pieces and parcels of ground, in such places as were most convenient in the said city, and have erected thereon, at great expense, churches and other houses of religious worship, and by the consitution of this commonwealth it is declared "that all men have a natural and indefeasible right to worship Almighty God according to the dictates of their conscience." And whereas it would be nugatory to grant the said rights, without securing the peaceable and quiet enjoyment of them:

[Section I.] (Section I, P. L.) Be it further enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful to and for the religious societies aforesaid, and each and every of them, within the city of Philadelphia, and they are hereby authorized and empowered, and [each and] every of them is hereby authorized and empowered, by a suitable person or persons, by them for that purpose to be appointed, at the proper costs and charges of the said religious societies, respectively, to extend and fasten so many chains across the streets, lanes or alleys, and in such place and manner, as may be sufficient to hinder and obstruct all coaches, coachees, chariots, chaises, wagons and other carriages whatsoever, and all and every person or persons riding or traveling on horseback, from passing by the said churches or houses of religious worship, during the time of divine services therein. Provided always, That the said chains, or any of them, be not extended and fastened across the said streets, lanes or alleys, or any of them, at a greater distance from the said churches or houses of religious worship, than twenty feet from the corner nearest to the said chain. And provided always, That the said chains be not extended and fastened in manner aforesaid across the said streets, lanes and alleys, on any other days except Sundays, commonly called the Lord's Day, nor on those days, until commencement of divine service within the said churches or houses of religious worships respectively. And provided also, That the said chains shall be taken down and withdraw before it is dark, and immediately after divine service shall be ended within the said houses or worship respectively.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That in all places where it shall be necessary to erect and fix posts in the ground, for the purpose of fastening thereto the chains to be extended across the streets, lanes and alleys, in manner aforesaid, the said posts shall be set up or fixed on the brick pavement or footway, as near as may be to the street, without inconvenience or injury to the same; and that previous to the setting up any post or posts for the pur-

pose aforesaid, by order and direction of the said religious societies, the person or persons employed to erect the same shall give notice thereof to some one of the street commissioners, who is hereby required to attend in pursuance of such notice, and to superintend and direct the fixing and setting up said posts, so that they be least injurious to the streets, lanes and alleys aforesaid.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That nothing in this act [contained] shall be construed to authorize the extending a chain or chains through or under the markethouse or shambles in High Street; and where any house of religious worship shall be opposite the same, the chain or chains shall be extended on each side thereof, and fastened to the posts to be erected as aforesaid, and to some convenient part of the outside of the said shambles or stalls.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced or prosecuted against any person, for or by reason of anything done in pursuance of this act, every person so sued may plead the general issue, and give this act and the special matter, in evidence.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall remove, or cause to be removed, the post or posts, chain or chains, to be erected or placed by virtue of this act, without consent of the religious society erecting or placing the same, every such person or persons, upon due proof of such offence before any alderman of the said city, shall forfeit and pay the sum of thirty dollars, to be recovered as debts under twenty pounds are recoverable, to be applied to the use of the poor of the said city.

Passed April 4, 1798. Recorded L. B. No. 6, p. 283. For the legislation regulating the streets of Philadelphia, see the Act of March 9, 1771, Chapter 636.

CHAPTER MMI.

AN ACT TO ENABLE THE PRESIDENT AND MANAGERS OF THE COMPANY FOR ERECTING A BRIDGE OVER THE RIVER DELAWARE, AT THE BOROUGH OF EASTON, IN THE COUNTY OF NORTHAMPTON, TO RAISE, BY LOTTERY, THE SUM OF TWELVE THOUSAND FIVE HUNDRED DOLLARS, FOR THE PURPOSE OF COMPLETING THE WORK IN THEIR ACT OF INCORPORATION MENTIONED.

Whereas the company incorporated for erecting a bridge over the river Delaware, at the borough of Easton, in the county of Northampton, have experienced numerous difficulties in carrying on said work, beyond what were contemplated by the legislature at the time of passing the said act, or the subscribers to said work at the time of subscribing thereto. And whereas large sums of money have already been expended on the said work, and it would be of general benefit to provide efficient funds to complete the same:

[Section I.] (Section I, P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the president and managers of the said company to raise, by way of lottery, a sum not exceeding twelve thousand five hundred dollars, to be applied to carrying on and completing the works of said company. Provided always nevertheless, That nothing herein contained shall be construed or held to authorize the said president, managers and company to form the said sum into capital stock, or to consider the same as any part of their capital stock, upon which a dividend of profits can be made.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the president and managers, previous to selling any tickets in the said lottery, shall lay the scheme thereof before the governor of this commonwealth, to be approved of by him, and shall also enter into bonds to the governor, for the due and faithful payment of all prizes that may be drawn in the said lottery, when and the same shall be demanded, after the drawing of the said lottery shall be completed.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That as soon as two-fifths of the said tickets shall be sold, the said president and managers shall certify the same to the governor of this commonwealth; and, upon such certificate being presented, it shall and may be lawful for the governor to appoint five commissioners to superintend the drawing of the said lottery, which said commissioners shall take an oath or affirmation, diligently and faithfully to perform the duties intrusted to them.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners, or any three of them, shall attend at the drawing of each day, and, when the whole is completed, shall cause an accurate list of the fortunate numbers to be published in at least three public newspapers, one thereof to be in the city of Philadelphia, one in the borough of Easton, and one in the state of New Jersey; and the said commissioners shall receive of the president and managers of the said company two dollars each per diem, for each day's attendance on the duties enjoined on them.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That all prizes, not demanded within twelve months after publication as aforesaid, shall be applied as aforesaid to carrying on and completing the works of said company.

Passed April 4, 1798. Recorded L. B. No. 6, p. 281.

CHAPTER MMII.

AN ACT TO PROVIDE A MORE EFFECTUAL METHOD FOR SETTling THE ACCOUNTS OF THE SEVERAL BRIGADE INSPECTORS WITHIN THIS COMMONWEALTH.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the auditors, for the time being,

or any two of them, appointed in pursuance of an act, entitled, "An act to provide a more effectual method of setting the public accounts of the commissioners and treasurers of the respective counties," passed the thirteenth day of March, one thousand seven hundred and ninety-one,¹ shall be, and they are hereby, authorized, empowered and and required, within four months from the passing of this act, to audit, adjust and settle all accounts of the respective brigade inspectors, at any time appointed since the passing of the act, entitled, "An act for the regulation of the militia within this commonwealth," passed the eleventh day of April, one thousand seven hundred and ninety-three,² as have not heretofore settled or adjusted their accounts, agreeably to the laws of this commonwealth, and shall annually thereafter settle the accounts of the brigade inspectors in their respective counties; and the said auditors shall have, and they are hereby vested with the same power and authority to do all things touching the accounts of the said brigade inspectors in their respective counties, subject to the same restrictions, regulations and provisions, as they have touching the business of the said last mentioned act in as full and ample a manner as if the said last mentioned act were for that purpose herein particularly recited; and the said auditors respectively shall make their report in the same manner; and the said report, when filed, shall have the same effect, and the proceedings thereon shall be the same, as is directed in and by the fifth and sixth sections of the aforesaid first recited act; and all the money so collected shall be paid into the state treasury.

(Section II, P. L.) And the better to enable the treasurer of this commonwealth to be informed when the said brigade inspectors shall be in default, that he may apply for executions against the same:

[Section II.] Be it further enacted by the authority aforesaid, That the prothonotaries of the several courts of common pleas shall make return to the treasurer of the commonwealth certified transcripts of the reports of the said auditors, relative to the settlement of the said brigade inspector's accounts,

¹Chapter 1543.

²Chapter 1696.

filed in their respective offices. Provided always, That no such return shall be made until after sixty days after the same reports shall be filed in their offices, and at the same time noting any appeal that may be made by the said brigade inspectors.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That every auditor shall receive a compensation of one dollar and sixty-seven cents per diem, for every day that he shall be necessarily employed in the duties imposed upon him by this act, as well as the act, entitled, "An act to provide a more effectual method for settling the public accounts of the commissioners and treasurers of the respective counties," passed the thirtieth day of March, one thousand seven hundred and ninety-one,* and all the reasonable and incidental expenses, which, so far as relates to the settlement of the public accounts of the commissioners and treasurers of the respective counties, shall be paid on the warrants of the respective county commissioners on the county treasurer, out of the moneys belonging to the said county, and, so far as relates to the settlement of the public accounts of the bridge inspectors of the respective counties, shall be paid on the warrants of the respective county commissioners on the treasurer of the commonwealth.

Passed April 4, 1798. Recorded L. B. No. 6, p. 299. Repealed by Act of April 9, 1799, Chapter 2068.

CHAPTER MMIII.

AN ACT ALTERING THE TIMES OF HOLDING THE COURTS OF COMMON PLEAS AND GENERAL QUARTER SESSIONS OF THE PEACE IN THE COUNTY OF WASHINGTON.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the second Mon-

*See ante.

day in April next, the courts of common pleas and of general quarter sessions of the peace, for the county of Washington, shall be held on the last Mondays in the months of February, May, August and November.

Passed April 4, 1798. Recorded L. B. No. 6, p. 298.

CHAPTER MMIV.

A SUPPLEMENT TO THE ACT TO ENABLE THE GOVERNOR TO APPOINT NOTARIES PUBLIC, AND FOR OTHER PURPOSES THEREIN MENTIONED.¹

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor be, and he is hereby, authorized to appoint two additional notaries public in the county of Philadelphia, one of whom shall hold his office only during the continuance of his residence in the district of Southwark, and the other shall hold his office only during the continuance of his residence in the Northern Liberties, under the restrictions and provisions contained in the act to which this is a supplement, excepting only so much of the first proviso in the second section of the said act, as limits the number of notaries to be appointed within the city and county of Philadelphia, which part of the said proviso, and no more, is hereby repealed.

Passed April 4, 1798. Recorded L. B. No. 6, p. 282.

CHAPTER MMV.

AN ACT FOR ALTERING AND ERECTING CERTAIN ELECTION DISTRICTS.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Penn-

¹Passed March 5, 1791, Chapter 1531.

filed in their respective offices. Provided always, That no such return shall be made until after sixty days after the same reports shall be filed in their offices, and at the same time noting any appeal that may be made by the said brigade inspectors.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That every auditor shall receive a compensation of one dollar and sixty-seven cents per diem, for every day that he shall be necessarily employed in the duties imposed upon him by this act, as well as the act, entitled, "An act to provide a more effectual method for settling the public accounts of the commissioners and treasurers of the respective counties," passed the thirtieth day of March, one thousand seven hundred and ninety-one,^s and all the reasonable and incidental expenses, which, so far as relates to the settlement of the public accounts of the commissioners and treasurers of the respective counties, shall be paid on the warrants of the respective county commissioners on the county treasurer, out of the moneys belonging to the said county, and, so far as relates to the settlement of the public accounts of the bridge inspectors of the respective counties, shall be paid on the warrants of the respective county commissioners on the treasurer of the commonwealth.

Passed April 4, 1798. Recorded L. B. No. 6, p. 299. Repealed by Act of April 9, 1799, Chapter 2068.

CHAPTER MMIII.

AN ACT ALTERING THE TIMES OF HOLDING THE COURTS OF COMMON PLEAS AND GENERAL QUARTER SESSIONS OF THE PEACE IN THE COUNTY OF WASHINGTON.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the second Mon-

^sSee ante.

day in April next, the courts of common pleas and of general quarter sessions of the peace, for the county of Washington, shall be held on the last Mondays in the months of February, May, August and November.

Passed April 4, 1798. Recorded L. B. No. 6, p. 298.

CHAPTER MMIV.

A SUPPLEMENT TO THE ACT TO ENABLE THE GOVERNOR TO APPOINT NOTARIES PUBLIC, AND FOR OTHER PURPOSES THEREIN MENTIONED.¹

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor be, and he is hereby, authorized to appoint two additional notaries public in the county of Philadelphia, one of whom shall hold his office only during the continuance of his residence in the district of Southwark, and the other shall hold his office only during the continuance of his residence in the Northern Liberties, under the restrictions and provisions contained in the act to which this is a supplement, excepting only so much of the first proviso in the second section of the said act, as limits the number of notaries to be appointed within the city and county of Philadelphia, which part of the said proviso, and no more, is hereby repealed.

Passed April 4, 1798. Recorded L. B. No. 6, p. 282.

CHAPTER MMV.

AN ACT FOR ALTERING AND ERECTING CERTAIN ELECTION DISTRICTS.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Penn-

¹Passed March 5, 1791, Chapter 1531.

sylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, the townships of Barree and West, in the county of Huntingdon, shall be a separate election district, and shall be called the seventh district; and the freemen within the same shall hold their elections at the house now occupied by William Murry.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That so much of Morris township, in the county of Huntindon, which lies within the following bounds, viz.: beginning where the line of Morris and Tyrone townships intersects the Canoe mountain; thence along the said mountain to the head of the Fox Tavern run; thence down the said run to the place where the same discharges itself into the Frankstown branch of the river Juniata, and which is now included in the fifth election district, be separated from the same, and be annexed to the third election district, and the freemen within the same shall hold their elections at the house now occupied by Captain Alexander Ramsey, Junior, any law, usage or custom to the contrary in anywise notwithstanding.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the townships of Brunswick and Manheim, in the county of Berks, be, and the same are hereby, declared a separate election district; and the freemen thereof shall hold their general elections at the house now occupied by John Hammer, in Orwigsburgh, in the township of Brunswick aforesaid, any law to the contrary notwithstanding.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That Erie township in the county of Allegheny shall, from and after the passing of this act, be erected into an election district; and the freemen of said district shall hold their elections at the house now occupied by James Baird, in the town of Erie; and that the township of Erwin, in the county aforesaid, shall, from and after the passing of this act, be erected into another election district; and the freemen of the said last mentioned district shall hold their election at the house now occupied by John Andrews, in the town of Franklin.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That so much of Allegheny county, as is hereinafter described, shall be a separate election district, beginning at the mouth of Big Sewickley creek; thence up to same to the line between Braden's and Alexander's districts; thence along the same to the division line between the depreciation line between the depreciation and donation lands; and thence along the same to the state line; thence along said line to Ohio river; thence up said river to the mouth of Sewickley aforesaid; and the electors thereof shall hold their elections at the house now occupied by Samuel Johnston, of the town of Beaver and that such parts of Allegheny county, as lie within Elder's district of depreciation lands, being part of the township of Deer, in the county aforesaid, shall be a separate election district; and the electors thereof shall hold their elections at the house now occupied by James McCormick, in the town of Freeport.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That when any general or special election shall be holden for the county of Allegheny, the certificates thereof being made out, agreeably to law, by the judges of the several districts, shall be taken in charge and produced by one or more of the judges of each district, within four days after such election, in the general meeting of the judges of the county, at the courthouse of the county; and the judges so met shall add together the number of votes which shall appear to be given to any person and persons throughout the same; and shall otherwise proceed as is directed by law.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the townships of Honeybrook, West Nantmeal and Brandywine, in the county of Chester, be, and they are hereby, erected into a separate election district, and shall be called the eighth election district; and the freemen residing therein, who may be qualified to vote for members of the Legislature, shall, from henceforth, hold their elections at the stone school house, near the manor meeting house, in the township of Brandywine aforesaid.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the township of West Buffalo, in Northumberland county, being part of the third district, shall, from and after the passing of this act, be struck off and separated from the said third district; and the freemen within the said township shall hold their elections at the house now occupied by James Foster, in the town of Mifflinsburg, in West Buffalo township, and be called the fourth district; and the freemen of the Mohontongo township, and that part of Penn's township lying southeast of the following line, to wit, beginning at Michael Warlin's ferry, on Susquehanna; thence along the Buffalo township line to Hesler's old mill on Penn's creek, thence up the said creek to Southerland's mill; thence, by a straight line, to Peter Goltshalk's on Middle creek; thence, by a south line, to the top of the Shade mountain; thence along the same Mohontongo township line, being part of the sixth district, shall be erected into a separate election district, to be called the ninth district, and shall hold their elections at the house now occupied by Jacob Anderson, in the town of Selin's Grove, in Penn's township; and the freemen with the following bounds, to wit; beginning where Shoemaker's road crosses Money hill, through the Torbut township, along said road, passing James Harrison's to Chillisquaque meeting-house; thence along the road leading to Danville until it intersects the Mahoning township line; thence along said line to the northwest branch of Susquehanna; thence up said river to the east end of James Cochran's plantation; thence northward to the east end of John Wilson's plantation; thence along the road to Little Fishing creek, at John Buckalew's mill; thence up the said creek to the line of Lycoming county; thence along said line to the place of beginning, being part of the second, seventh and eighth districts, shall be erected into a separate election district, to be called the eleventh district, and shall hold their elections at the house of Daniel Berry, in the town of Washington, in Derry township; and the freemen of the township of Catawissa, being part of the seventh district, shall be erected into a separate election district, to be called the twelfth district, and hold their elections at the house now occupied by Isaiah Willett, in the

town of Catawissa, in said township; and the freemen of Mifflin township, being part of the seventh district, shall be erected into a separate election district, and be called the thirteenth district, and shall hold their elections at the house now occupied by David Gitling, in Mifflinsburg, in said township.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the citizens of Derry and Armagh townships, in the county of Mifflin, who are authorized by law to hold their general elections at the house of Arthur Buchanan, shall, from and after the passing of this act, hold such elections at the courthouse in Lewistown, in the said county of Mifflin.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That so much of the county of Washington, as is included within the limits hereinafter described, shall be a separate election district, to be called the sixth district, beginning where the Washington and Allegheny county line crosses Robinson's run on the waters of Chartier's creek; thence up said run to and including the dwelling house of John McDonald; thence to the house known by the name of Hickory tavern; thence along the road leading to Washington, as far as Tompson's mill on the north-west branch of Chartier's creek; thence with a direct line to Pees's mill on the southeast branch of said creek; thence along the road leading toward Andrew Armstrong's, until it intersects the line of Hamilton's district; thence along said line to the Washington and Allegheny county line; thence with said line to Robinson's run aforesaid, and the electors thereof shall hold their general elections in the Academy at Canonsburg.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the part of Luzerne county contained within the following bounds, viz; beginning on the north line of the state, at the corner of Northampton and Luzerne counties; thence west, on a straight line until it meets the stream called Wappasinia; thence southwardly up said stream to the head thereof; thence continuing a south course to the distance of twenty miles from the York line; thence east to the line of Northampton county; thence north on said line

to the place of beginning, shall be, and the same is hereby, erected into a separate election district, and the inhabitants within the limits of the same shall hold their annual elections, at the times and in the manner prescribed by law, at the house now occupied by William Corbit, in said district, anything in any law to the contrary notwithstanding.

Passed April 4, 1798. Recorded L. B. No. 6, 293, etc.

CHAPTER MMVI.

AN ACT FOR CONTINUING THE PRESENT SALARIES OF THE JUDGES OF THE SUPREME COURT, THE SECRETARY OF THE COMMONWEALTH, AND THE PRESIDENTS OF THE COURTS OF COMMON PLEAS.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the judges of the supreme court, the secretary of the commonwealth, and the presidents of the courts of common pleas, shall continue to hold and receive the salaries at present allowed to them by law, as a compensate for their services.

Passed April 4, 1798. Recorded L. B. No. 6, p. 293.

CHAPTER MMVII.

AN ACT TO ALTER AND AMEND THE HEALTH LAWS OF THIS COMMONWEALTH, AND TO INCORPORATE A BOARD OF MANAGERS OF A MARINE AND CITY HOSPITALS OF THE PORT OF PHILADELPHIA, AND FOR OTHER PURPOSES THEREIN MENTIONED.¹

Whereas the laws of this commonwealth for preventing the importation of infections or contagious diseases into the port

¹See Act of February 3, 1742-3, Chapter 357 and notes.

of Philadelphia, and the health office system thereby established, have been found by experience to be defective.

[Section I.] (Section I, P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the buildings now erected, and those hereafter to be erected, on State Island, and the ground therewith reserved, and therewith occupied with the appurtenances, be, and they are hereby, appropriated for the use of an hospital and stores, to be called the marine hospital of the port of Philadelphia, which hospital and stores are appointed to receive sick and infected persons and goods, arriving in the port of Philadelphia from any other port or place, until the same shall be restored to health and purified; and that the messuages and lots, commonly called the City Hospital, situate on the north side of Sassafras street and east side of the river Schuylkill, shall continue to be held and used as an hospital for the city, the townships of the Northern Liberties and Moyamensing, and the district of Southwark, and the same messuages, buildings and lots are hereby vested in, and shall be under the management of a board, to be appointed as hereinafter directed, who are hereby erected into a body corporate, in deed and in law, by the name, style and title of the Managers of the Marine and City Hospitals of the Port and City of Philadelphia, who shall have perpetual succession, and enjoy all and every the rights, liberties, privileges, powers, authorities and immunities, incident or belonging to a corporation or body politic, and shall, moreover, have and exercise the powers and authorities hereinafter mentioned, that is to say, the mayor, recorder and aldermen of the city of Philadelphia, or any four of them, the mayor or recorder being one, and the justices of the peace of the county of Philadelphia, residing within the Northern Liberties, [district of Southwark] and township of Moyamensing, or any three of them, shall meet on the first Monday in May, in every year, at the city hall in Philadelphia, of which meeting public notice shall be given by the said mayor or recorder for two weeks before the time, in at least two public newspapers published in the city, and shall then and there appoint twelve per-

sons, two of whom shall reside within the Northern Liberties, and two within the district of Southwark, to be managers of the marine and city hospitals of the port of Philadelphia for the year ensuing, and until others be appointed to succeed them; and shall cause notice to be given to each person so appointed to meet his colleagues on some day in the ensuing week, at the health office in the city of Philadelphia, for the purpose of organizing their board, choosing their officers, and proceeding to perform the duties by this act enjoined on them, at which first meeting the managers shall choose one of themselves to be their president, and at that or any adjourned meeting one other person to be their treasurer, who shall give bond, with sureties, as the county treasurer is bound to do, and shall receive all moneys belonging to the said corporation, and pay and disburse the same, upon the orders of the board, signed by the president or chairman, and attested by the clerk, and shall keep fair and just accounts of his receipts and expenditures; and shall report abstracts thereof, whenever the board shall require the same; and once a year shall adjust all his accounts, and the same being allowed by the board, shall be published in one of the public newspapers of the city; and steward and one matron, to reside at the said hospital, and such assistant clerks, nurses and servants, as from time to time be found necessary to perform the several duties required by this act, and their future regulations, that the said board shall sit upon their own adjournment, as they shall find necessary, but at least once in every week, between the first day of June and the last day of October, in every year, and whenever they shall be summoned by order of the president, or of two managers, at which meetings five members shall be a board to transact business, but a lesser number may adjourn; and if the president be absent, they shall choose a chairman for the time; and the said board shall have full power to make general rules, orders and regulations, for the government and management of the health office and marine hospital, and for prescribing the mode of visiting and examining vessels, persons and houses, by the health officers, the resident and attending physician, to remove any of the officers or servants by them appointed, and appoint others in their places,

and to take care that all and every the regulations for the governing and managing the said hospital and health office, contained in this act and in their own rules and orders, be carried into full and perfect execution; and shall keep fair minutes of all their regulations and transactions, while sitting as a board.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That every ship or vessel coming from any foreign port or place bound to the port of Philadelphia between the last day of April and the first day of December, in every year, shall come to anchor in the river Delaware, as near to the marine hospital as her draft of water and the state of the tide and weather will reasonably admit, before any part of the cargo or baggage be landed, or any person, who came in such ship or vessel, shall leave her, and shall submit to the examinations, and obtain the certificate hereafter specified; and if any master, commander or pilot shall leave his station before the said hospital, or if any master or commander shall permit or suffer any part of the cargo or baggage, or any person or persons arriving in such ship or vessel from any port beyond the limits of the United States, to be landed on either shore of Delaware bay or river, before such examination be duly had and certificate obtained, the person or persons so permitting, and the person or persons so landing, except in the case of imminent distress or absolute necessity, being thereof convicted, upon indictment under this act, by verdict, confession, or standing mute, in any court having criminal jurisdiction within this commonwealth, shall be sentenced to and suffer confinement in the gaol of the county of Philadelphia, for any space not less than one nor more than three years.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the resident, physician and health officer at the hospital, so soon as any ship or vessel shall be anchored near the hospital, in the day time, immediately (wind and weather permitting,) to go on board the same, and there demand from the master or commander the names of the vessel, commander and pilot, the place from whence she last came, and of all other places at which she may

have touched during the voyage, the number of the crew and passengers with which she sailed, whether any have died since she sailed, a view of her shipping articles, log book and bill of health, if she came from a port whence a bill of health is required or accustomed to be brought, and a sight of all persons on board, and to demand answers, under oath or affirmation, to be administered by the resident physician or [health officer], who are hereby [severally] empowered to administer the same, to all such questions touching the health of the crew and passengers during the voyage, and the nature of the cargo, as the said board, by their rules, shall from time to time direct to be asked; and if the answers shall be satisfactory, if the number of the crew and passengers shall agree with the articles, bill of health and other documents produced and the verbal account of the master or commander, and if there shall appear no ground to suspect that any of the crew or passengers have died in the voyage, or are then laboring under any dangerous contagious disease whatever, or that the cargo on board is infected, then and in such case, the said physician and health officer shall give to the master or commander a certificate of the facts, in such form as shall for that purpose be devised by the said board, permitting such ship or vessel to proceed to the city, or to land the passengers, which certificate the said master or commander shall present at the health office in Philadelphia, within twenty-four hours after his arrival and safety mooring there; and if he shall neglect so to do, being thereof convicted, upon indictment under this act, by verdict confession, or standing mute, in any court of criminal jurisdiction in this commonwealth, he shall be sentenced to pay a fine of fifty dollars, for the use of the said hospital; and if, upon such examination, any difference shall appear between the written documents produced by the master or his verbal account, and the number and state of the crew and passengers, or any suspicion shall arise in the mind of the health officer or physician touching the health of the crew or passengers, or any of them, or the infectious state of the vessel or cargo on board, they shall order the vessel to remain at anchor near the hospital, and shall make out a report of the state of the vessel, crew, passengers and cargo, as to their health or

otherwise and shall transmit the same, together with the letter bag of the vessel, and such letters as the master, commander or passengers shall think proper to write to his or their owners, consignees or friends, to the health office in Philadelphia, under the necessary precautions to guard against the communication of infection from the same, to the end that the parties interested be informed thereof, and if they, or any of them, be dissatisfied with the report and opinion of the hospital physician [or health officer], in such case, the physician of the health office in Philadelphia shall visit the vessel, crew and passengers, and make report of his opinion thereon; and thereupon the said board of managers shall direct and determine, and transmit orders to the resident physician and health officer, what time the said vessel shall remain before the hospital, and how the crew, passengers, vessel and cargo shall be disposed of and managed for the restoration of their health and purification, which directions shall be carried into execution, under the inspection of the physician, by the health and other officers and servants of the hospital, who shall cause the persons to be removed, and the cargo, or any part of it, to be landed and the vessel to be cleansed, ventilated and purified, at the expense of the master, owners or consigners, in such manner as by the said orders shall be directed; and the same being perfected, the said physician and health officer shall, with the special consent in writing of the board of managers, grant a certificate thereof, with permission for the said vessel, cargo, crew and passengers to proceed to the city, in manner hereinabove mentioned.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That no health officer, physician, or other officer or servant of the said hospital, shall absent himself from the place of his duty during the months of May, June, July, August, September, October or November, on any pretence, for any time whatsoever, without leave first obtained in writing from the board of managers, under the hand of the president or chairman for the time, attested by the clerk, and entered in the minutes, under penalty of forfeiting his office.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That all ships and vessels, as well vessels of war as merchant vessels, arriving at the port of Philadelphia from any port or place in the Mediterranean, or the seas or waters connected with the same to the eastward of the Straits of Gibraltar, or from the coast of Africa without the Straits of Gibraltar, and the territory of the same, and the ports of Africa, other than the Cape of Good Hope, in the Indian ocean, and from the mainland of North or South America, or the West India islands, between the latitude of the mouth of the river St. Mary, in Georgia, and the beginning of the latitude of thirty degrees south of the equator, shall be subject to be detained at anchor, in manner aforesaid, before the hospital, for a space not exceeding twenty days, in order to ascertain the healthy state of the crew, passengers, vessel and cargo, unless such vessel shall be furnished with a certificate from such port, commonly called a bill of health, in the form accustomed, if a bill of health is accustomed to be brought from such port; and all vessels arriving from such ports as aforesaid, during the months of May, June, July, August, September, October and November, with or without such bill of health, shall be detained at anchor, in manner aforesaid, before the hospital, for a term not less than ten nor more than twenty days, before any certificate, such as is hereinabove required, shall be granted to permit them to come to the city, during and after which respective times they shall be examined and treated, in the manner, and subject to the like pains and penalties, as are hereinabove mentioned, as to ships and vessels not in the predicaments last above recited.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That there shall be granted to the managers of the marine and city hospitals of the port and city of Philadelphia, for the purpose of paying the debts already incurred, out of the funds arising from the duties and the sales at auction in the city and county of Philadelphia, a sum not exceeding six thousand five hundred and sixteen dollars and twenty-six cents, to be drawn out of the treasury, by warrants under the hand of the governor and lesser seal of the state,

which shall be granted, paid and allowed to the treasurer in account, in the same manner and form that other moneys appropriated by law are, or of right ought to be, granted, paid and allowed.

(Section VII, P. L.) And whereas the sum which by the eighth section of the act, entitled, "An act to amend and repeal certain provisions in the health laws of this commonwealth." the inspectors of the health office are authorized to levy and collect by tax, is found insufficient for supporting the ordinary establishment of the health office and hospitals aforesaid.

[Section VII.] Be it further enacted by the authority aforesaid, That the board of managers, by this act incorporated, shall be, and they are hereby, authorized and empowered, by and with the consent and appropriation of the mayor or recorder, aldermen and justices aforesaid, convened as in the second section of this act is required, to levy and collect by tax, on the estates and inhabitants of the said city, district of Southwark, and townships of the Northern Liberties and Moyamensing, in the same manner, at the same rates, and under the same regulations, as the county rates and levies are or may be by law levied and collected, such sum annually, as, upon an estimate to be made by the said board, and laid before the said mayor or recorder, aldermen and justices, shall be deemed sufficient for the ordinary expenditures of the said health office and hospitals for the current year, provided the same do not exceed the sum of ten thousand dollars. And in case the said city, district and townships shall, in any year, be visited with any pestilential or contagious disease, which shall require extraordinary expenditures, the said board of managers, by and with the consent and approbation aforesaid, are authorized and empowered to borrow, on the credit of the said city, district and townships, any extraordinary sum or sums beyond the above limited sum, which in their judgment shall be necessary and sufficient for the support and maintenance of all the poor sick, who shall be sent to the said hospital, and the incidental charges arising from the necessity of the case [provided the said sum does not exceed twenty thousand dollars], and shall have full power and authority to levy and col-

lect, by an additional tax, in manner aforesaid, a sum sufficient to pay off and discharge the moneys so borrowed, and shall pay and discharge the same as speedily as the said additional tax can be collected. And whenever the amount of the said ordinary or extraordinary taxes shall be ascertained, in manner aforesaid, the said board of managers shall transmit the same, under the hands of the said mayor or recorder, aldermen and justices, and of their president and six other members, to be commissioners of the county of Philadelphia, who shall forthwith cause the said amount to be laid and assessed on the estates and taxable inhabitants of the city of Philadelphia, district of Southwark, and townships of the Northern Liberties and Moyamensing, in the same ratio as the county rates and levies are or shall be laid and assessed in that year, and shall cause lists and duplicates of the said taxes to be made out and delivered to the collectors, who shall collect the county rates and levies, who shall, under the same securities, penalties and regulations, as are or shall be provided for the collection of the county rates and levies, collect and pay over the same ordinary and extraordinary taxes, in the same manner, and at the same times, to the treasurer of the said board, and take his receipts for the same, as in case where they pay other collections to the county treasurer.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That every housekeeper within the city of Philadelphia, the townships of the Northern Liberties and Moyamensing, and districts of Southwark, within a mile of the limits of the city, taking in boarders, arriving by sea or by land from any foreign port or place, and having any boarder in his or her family, who shall be taken sick of any disease whatsoever, between the first day of May and first day of November in any year, within twenty days next after such boarder shall come to lodge in his or her house, shall, within twenty-four hours next after the knowledge of such sickness, make report at the health office of the name of such sick person, the time of his or her arrival at the house, and of his or her being taken sick, and of the name and place of abode of such housekeeper; whereupon the physician of the health office shall forth-

with visit the patient, and report to the office his opinion of the nature of such disease that measures may be taken to prevent the spreading of infection; and if any housekeeper shall neglect to give information, in the manner and within the time aforesaid, and shall be thereof convicted in any court of criminal jurisdiction within this commonwealth, upon indictment, by verdict or confession, he or she shall forfeit and pay a fine, to the use of the said hospital, not less than twenty dollars nor more than one hundred dollars, to be imposed at the discretion of the court, according to the circumstances of greater or lesser aggregation attending each particular case.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That whenever, by the means aforesaid, or by the report of the physician appointed by the board to reside in the city, whom the board are hereby authorized to send to places or houses supposed to be infected, whose visits for such purpose the citizens are respectively hereby enjoined to submit to, or by any other means, it shall come to the knowledge of the said board, that any person within the city of Philadelphia, the townships of the Northern Liberties and Moyamensing, within a mile of the limits of the city, or the district of Southwark, is afflicted with any contagious disease, dangerous to the community, it shall and may be lawful for the said board to take order for preventing the spreading the contagion either by causing the patient to be removed to some place, at the costs of the patient, or his or her friends, or at the public charge, or by forbidding and preventing all communication with the infected house or family, except by means of physicians, nurses and messengers, to convey the necessary advice, medicines and provisions to the afflicted, according as the circumstances of the case shall render the one or other mode, in their judgment, most conducive to public good, with the least private injury.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That when any vessel shall come up to the city of Philadelphia, or the shores of Southwark, or of the Northern Liberties, in the river Delaware, (although the said vessel may have obtained a certificate of health from the marine hospital) if the said vessel shall appear to the board of man-

ager to be infected with any contagious disorder, dangerous to the community, the said board are hereby authorized to order the said vessel down to the marine hospital, there to undergo the necessary purification, before she shall be permitted to return to the city or shores aforesaid; and the said board are also hereby authorized and empowered to remove any vessel or vessels from such part of the city or shores aforesaid, as shall be infected with such disorders as aforesaid, to such convenient distance, as they may deem proper, although such vessels may not be infected.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That whenever the said board shall receive information that any contagious disease rages in any port or place within the United States, or on the continent of America, they shall make diligent inquiry concerning the same, and report the result of their inquiries and information thereon to the mayor or recorder of the city of Philadelphia, who shall thereupon summon the aldermen of the said city, and justices of the county of Philadelphia, resident within the district of Southwark and the townships of the Northern Liberties and Moyamensing; and it shall and may be lawful for the said board, by and with the consent and approbation of the said mayor, recorder and aldermen, or any four of them, the mayor or recorder being one, and of the said justices, or any two of them, to prohibit and prevent all communication by land and by water with such infected ports or places, by stopping all vessels coming into the port of Philadelphia at and before the marine hospital, in the same manner and under the same penalties and forfeitures as are hereby provided in case of vessels coming from the foreign ports mentioned in the preceding sections of this act, and by stopping all passengers in stages or other carriages, or on horse or foot, coming by land from such infected places, in such manner as the circumstances and exigencies of the case shall require. All judges, justices, sheriffs, constables and civil officers and citizens of this state are hereby authorized and empowered, enjoined and required, to aid and assist the said board, and their officers, to the utmost of their power, in carrying into

all such rules, orders and regulations touching the stoppage of such intercourse, as the said board, by and with the consent and approbation of the said mayor or recorder, aldermen and justices, shall ordain and publish.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That all and every the penalties and forfeitures imposed by the act, to which this act is supplementary, shall be recoverable, in the manner therein mentioned, and shall enure to the use of the said hospital for its support; and all and every the powers and authorities, liberties and privileges, perquisites and emoluments, duties and services, by the said acts required of, or granted and allowed to the inspectors of the health office, their physicians and other officers and servants, which are not inconsistent with the alterations hereby made, shall be, and they are hereby, declared to be required of and granted and allowed to the board of managers, by this act incorporated, and to their physicians and other officers and servants, to be appointed in pursuance hereof; and that so much of the act, entitled, "An act for establishing an health office for otherwise securing the city and port of Philadelphia from the introduction of pestilential and contagious diseases, and for regulating the importation of German and other passengers," passed the twenty-second of April, one thousand seven hundred and ninety-four,¹ and of the act, entitled "An act to amend and repeal certain provision in the health laws thousand seven hundred and ninety-six,"² as are herein and hereby altered, amended or supplied, and no more, shall be, and the same is hereby, repealed and made null and void.

[Section XIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That whenever any seven of the said board of managers shall represent to the governor, that they deem the removal from office of any of the physicians or health officers, hereinbefore mentioned, necessary for the security of the public health, or the good government of the said marine hospital, and shall specify, in such representation, the

¹Chapter 1759.

²Chapter 1903.

causes of their complaint, and grounds of their representation, the governor shall thereupon, unless such causes and grounds are manifestly frivolous and insufficient, forthwith remove such officer, and appoint another in his place.

[Section XIV.] (Section XIV, P. L.) And be it further townships of the Northern Liberties and Moyamensing, shall be enacted by the authority aforesaid, That no citizen or inhabitant of the city of Philadelphia, the district of Southwark, or the disqualified from fitting as judges or jurors, or from giving testimony respecting any of the offenses mentioned in this act, by reason of his or their common interest in the appropriation of the sum or penalty imposed for such offence.

[Section XV.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That this act shall continue in force for two years, and from thence to the end of the next session of the general assembly, and no longer.

Passed April 4, 1798. Recorded L. B. No. 6, p. 306. See the Act of April 22, 1794, Chapter 1759; and the repealing Act of April 11, 1799, Chapter 2094.

CHAPTER MMVIII.

A FURTHER SUPPLEMENT TO THE ACT, ENTITLED, "AN ACT FOR MAKING AN ARTIFICIAL ROAD FROM THE CITY OF PHILADELPHIA TO THE BOROUGH OF LANCASTER."¹

For the more effectual preventing evasions of the salutary regulations intended in and by the act for making an artificial road from the city of Philadelphia to the borough of Lancaster:

[Section I.] (Section I, P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That if an person or per-

¹Passed April 9, 1792, Chapter 1640.

sons whatsoever, owning, riding in, or driving any sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled, or other carriage of burden or pleasure or owning, riding, leading, or driving any horse, mare, gelding, hogs, sheep or other cattle, shall therewith pass through any private gate or bars, or along or over any private passageway or other ground, near to or adjoining any turnpike or gate, erected, or which shall be erected, in pursuance of the act to which this is a supplement, with an intent to defraud the company and evade the payment of the toll or duty for passing through any such gate or turnpike, or if any person or persons shall, with such intent, take off, or cause to be taken off, any horse, mare, gelding or other cattle from any sulkey chair, chaise, phaeton, cart, wagon, wain, sleigh, sled, or other carriage of burden or pleasure or practice any other fraudulent means or device with the intent that the payment of any such toll or duty may be evaded or lessened, or if any person or persons, having, claiming, or taking the benefit of any exemption or privilege, by virtue of this act, or the said recited act, or any clause, matter or thing herein or therein contained, not being entitled thereto, or committing any fraud or abuse thereof, either by him, her or themselves, or by giving any license to any other person or persons not entitled to such privilege or exemption, whereby or by means whereof the said tolls or duties might be lessened or evaded, or with any such intent, all and every person and persons, in all and every, or any of the ways or manners aforesaid [offending], shall, for every such offence, respectively forfeit and pay to the president, managers and company of the Philadelphia and Lancaster turnpike road, any sum not less than four nor more than fifteen dollars, to be sued for and recovered, with costs of suit, before any justice of the peace, in like manner, and subject to the same rules and regulations as debts under twenty pounds may be sued for and recovered.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall wilfully break, deface, or pull up any milestone, placed, or which shall be placed, in pursuance of the said recited act, on the side of the road laid out in pursuance thereof, or shall obliterate

the letters or figures inscribed thereon, or therein, or if any person or persons shall break, pull down, destroy or injure any post, erected, or to be erected, in pursuance of the said recited act, at the intersection of any road falling into and leading out of the said turnpike road, or the board or index-hand affixed thereto, in conformity to the directions of the said recited act, or if any person or persons shall obliterate the letters or figures inscribed or fixed thereon, or if any person or persons shall destroy or obliterate, or in any wise injure or deface the letters, figures, or other characters marked at any turnpike or any gate, erected, or to be erected, in pursuance of the said recited act, for all or any of the purposes therein mentioned, or the whole or any part or parts of any printed list of the rates of tolls, affixed, or to be affixed, in pursuance of the directions of the said recited act, at any such gate or turnpike, he, she or they, so offending in the premises, shall, and each of them shall, for every such offence, severally and respectively forfeit and pay to the said president, managers and company, the sum of twenty dollars, to be sued for and recovered, with costs of suit, before any justice of the peace, in like manner as aforesaid.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That for the purpose of ascertaining the weight that may be drawn along the said road in any cart, wagon, or other carriage of burden, it shall and may be lawful for the said president, managers and company to erect and establish scales and weights, at or near such and so many of the gates, erected, or to be erected, in pursuance of the said recited act, as they may think proper; and where there may seem reasonable cause to suspect that any cart, wagon, or other carriage of burden, carries a greater weight than is or shall be by law allowable, for their tollgatherers, or other persons in their service or employment, to prevent the same from passing such gate or turnpike, until such cart, wagon or other carriage of burden shall be drawn into the scales fixed or erected at or near any such gate or turnpike, and the weight or burden drawn therein ascertained by weighing; and if the person or persons driving, or having care or charge of any such cart, wagon, or other carriage of burden, shall refuse to drive the same into

any such scales, for the purpose aforesaid, the person or persons so refusing shall forfeit and pay to the said president, managers and company, any sum not less than five nor more than ten dollars, to be recovered in the manner hereinbefore mentioned.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That if any action or suit shall be brought or prosecuted by any person or persons, for anything done in pursuance of this or the said recited act, or former supplement thereto, in relation to the premises, every such suit or action shall be commenced within six months next after the fact committed, and not afterwards; and the defendant or defendants in such action or suit may plead the general issue, and give this and the said recited act, and former supplement and the special matter, in evidence, and that the same was done in pursuance and by the authority of this and the said recited act and the former supplement; and this act shall be and continue in force during the term of two years and no longer.

Passed April 4, 1798. Recorded L. B. No. 6, p. 277, etc. Time extended by Act of April 11, 1799, Chapter 2092.

CHAPTER MMIX.

AN ACT LIMITING THE TERM, DURING WHICH JUDGMENT SHALL BE A LIEN ON REAL ESTATE, AND SUITS MAY BE BROUGHT AGAINST THE SURETIES OF PUBLIC OFFICES.

Whereas the provision heretofore made by law for preventing the risk and inconvenience to purchasers of real estate, by suffering judgments to remain a lien for an indefinite length of time, without any process to continue or revive the same, hath not been affectual. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by

the authority of the same, That no judgment now on record in any court within this commonwealth shall continue a lien on the real estate of the person, against whom the same has been entered, during a longer term than five years, from and after the passing of this act, unless the person who has obtained such judgment, or his legal representatives, or other persons interested, shall, within the said term of five years, sue out of the court, wherein the same has been entered, a writ of *scire facias*, to revive the same.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That no judgment hereafter entered in any court of record within this commonwealth, shall continue a lien on the real estate of the person against whom such judgment may be entered, during a longer term than five years, from the first return day of the term of which such judgment may be so entered, unless the person who may obtain such judgment, or his legal representatives, or other persons interested, shall, within the said term of five years, sue out a writ of *scire facias* to revive the same.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That all such writs of *scire facias* shall be served on the terre-tenants, or person occupying the real estates bound by the judgment, and also, where he or they can be found, on the defendant or defendants, his or their feoffee or feoffees, or on the heirs, executors, or administrators of such defendant or defendants, his or their feoffee or feoffees; and where the land or estate is not in the immediate occupation of any person, and the defendant or defendants, his or their feoffee or feoffees, or their heirs, executors or administrators cannot be found, proclamation shall be made in open court, at two succeeding terms, by the crier of the court in which such proceedings may be instituted, calling on all persons interested to show cause why such judgment should not be revived; and on proof of due service thereof, or on proclamation having been made, in the manner hereinbefore set forth, the court from which the said writ may have issued shall, unless sufficient cause to prevent the same is shown at or before the second term

subsequent to the issuing of such writ, direct and order the revival of any such judgment, during another period of five years, against the real estate of such defendant or defendants, and proceedings may in like manner be had again to revive any such judgment at the end of the period of five years, and so from period to period, as often as the same may be found necessary.

(Section IV, P. L.) And whereas it is reasonable that persons entering into bonds or recognizances, as sureties for any public officers, should be exonerated from their responsibility within a reasonable term after such officers respectively shall die, resign, or be removed from office. Therefore:

[Section IV.] Be it enacted by the authority aforesaid, That it shall not be lawful for any person or persons whomsoever to commence and maintain any suit or suits, on any bonds or recognizances, which shall hereafter be given and entered into by any person or persons, as sureties for any public officer, from and after the expiration of the term of seven years, to be computed from the time at which the cause of action shall have accrued; and if any such suit or suits shall be commenced, contrary to the intent and meaning of this act, the defendant or defendants respectively shall and may plead the general issue, and give this act and the special matter in evidence; and if the plaintiff or plaintiffs be nonsuit, or if a verdict or judgment pass against him or them respectively, the defendant or defendants shall respectively recover double costs.

Passed April 4, 1798. Recorded L. B. No. 6, p. 279.

CHAPTER MMX.

A SUPPLEMENT TO THE ACT, ENTITLED, "AN ACT FOR ESTABLISHING AND BUILDING A BRIDGE ACROSS CONESTOGA CREEK, IN THE COUNTY OF LANCASTER."¹

Whereas by the act, to which this is a supplement, Abraham Witmer, of the county of Lancaster, was authorized to erect, and in pursuance of that authority did erect, a bridge over the

¹Passed September 22, 1787, Chapter 1313.

Conestoga creek, on the great road leading from the city of Philadelphia to the borough of Lancaster, and the said Abraham Witmer has represented to the legislature that the said bridge, having been built without a view to the making of the Philadelphia and Lancaster turnpike road, is not constructed of materials sufficiently durable, nor calculated to sustain the heavy burdens which, since the completion of the said road, are daily passing over the same, and hath prayed the legislature to pass a law to authorize him to erect a bridge over the said creek, upon that permanent [and extensive] plan which the importance of the situation requires. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful for Abraham Witmer, his heirs and assigns, to build, support and maintain a permanent bridge across the Conestoga creek, on any unoccupied part of the great road leading from the city of Philadelphia to the borough of Lancaster, immediately above, and on the north side of, his present bridge. Provided always, That the said Abraham Witmer, his heirs and assigns, shall and will, as soon as the new bridge is completed, remove the old bridge, and leave a passage of twenty feet on the said road, on the south side of the said new bridge, and at both ends thereof, for the use of all those who may think proper to pass and re-pass the said creek, without going over the said bridge. And provided also, That nothing herein contained shall be construed to enable the said Abraham Witmer, his heirs or assigns, to prevent, by the said erection, any person or persons, with or without horses, carriages, or cattle of any kind, from passing the said creek, free from toll, according to the provisions of the act to which this is a supplement, unless the said Abraham Witmer, his heirs or assigns, shall cause a passage to be opened on the south side of the said old bridge, whereby the aforesaid creek may be crossed free from toll, with as much safety and convenience as on the north side thereof.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the rates or prices for passing over the said bridge, together with the penalty on taking any greater toll, the proceedings to recover the same, and the appeal allowed to those who may find themselves aggrieved thereby, shall be the same as are allowed and provided for in and by the act, to which this is a supplement.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That whensoever, at any time after the completion of the said bridge, the legislature shall deem it expedient to constitute and make the same a free bridge, by a law to be enacted for that purpose, three commissioners shall be appointed by the legislature, on the part of the commonwealth, and three by the said Abraham Witmer, his heirs and assigns, on his or their part, who, or any four or more of them, shall estimate what sum or sums of money the said Abraham Witmer, his heirs and assigns, shall be entitled to have and receive for his right and title in and to the said bridge; which sum or sums, so estimated as aforesaid, shall be paid to him or them, out of the treasury of this commonwealth.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That so much of the act, to which this is a supplement, as is hereby altered or supplied. and no more, be, and the same hereby is repealed.

Passed April 4, 1798. Recorded L. B. No. 6, p. 297.

CHAPTER MMXI.

AN ACT TO AUTHORIZE THE GOVERNOR OF THIS COMMONWEALTH TO INCORPORATE A COMPANY, FOR ERECTING A BRIDGE OVER THE RIVER DELAWARE, AT OR NEAR TRENTON.

Whereas it has been represented to the general assembly, by a number of the inhabitants of this state, that the erecting a good and permanent bridge across the river Delaware, at or

near Trenton, would greatly contribute to facilitate the intercourse between this state and the eastern states. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That Philip Wager, James C. Fisher and Charles Biddle, of the city of Philadelphia, and John Beatty, Peter Gordon and Asron Howell, of the state of New Jersey, be, and they are hereby, appointed commissioners, to do and perform the several duties hereinafter mentioned, that is to say, they shall and may, on or before the first day of June next, procure at least two books, and therein enter as follows: "We whose names are hereunto subscribed, do promise to pay to the president, managers and company for erecting a bridge over the river Delaware, at or near Trenton, the sum of one hundred dollars, for every share of stock in the said company set opposite our respective names, in such manner and proportions, and at such times, as shall be determined by the president and managers, in pursuance of an act of the general assembly, entitled, "An act to authorize the governor of this commonwealth to incorporate a company, for erecting a bridge over the river Delaware, at or near Trenton." Witness our hands the day of in the year of our Lord one thousand seven hundred and ninety ;" and shall thereupon give notice, in one of the public newspapers printed at Philadelphia, and in one of the public newspapers printed in the state of New Jersey, for one calendar month at least, of the times and places, in the city of Philadelphia and state of New Jersey, when and where the said books shall be opened to receive subscriptions for the stock of said company; at which respective times and places someone of the commissioners shall attend, and shall permit all persons who shall offer to subscribe in the said books, which shall for that purpose be kept open at least six hours in every judicial day, for at least three juridicial days, if three days shall be necessary, and on the first juridicial day, within the hours aforesaid, any person of the age of twenty-one years shall have liberty to subscribe, in his own name, or

in the name of any person or persons by whom he shall be authorized, for one share, on the second day, for two shares; on the third day, for one, two or three shares; and on any succeeding day, while the books shall remain open, for any number of shares in the said stock and if, at the expiration of the said three first days, the said book opened at Philadelphia shall not have one thousand shares therein subscribed, or the book opened in the state of New Jersey shall not have one thousand shares therein subscribed, the said commissioners, respectively, may adjourn from time to time, until the said number of shares shall be subscribed, of which adjournment public notice shall be given at each place; and when the said subscriptions in the said book shall amount to the respective numbers aforesaid, the same shall be respectively closed; and if, before the said subscription shall be declared to be full, applications shall be made to subscribe more shares than will fill the said books, or either of them, then the said commissioners, respectively, shall apportion the whole number of shares, at such respective place, among all those who shall have subscribed, or offered to subscribe, as aforesaid, on that day, at such place, by deducting from the subscribers of more shares than one, such proportion of the shares by them respectively subscribed, as will leave every person one or more shares; but if, after any of the said books shall have been opened at any of the respective places aforesaid, for the space of two calendar months, the whole number of shares to the said places hereinbefore respectively allotted shall not have been subscribed, the said book or books may be respectively transferred to any other of said places, and there kept open as aforesaid, public notice being given thereof at the place whence and whereto the said book or books shall be respectively transferred. Provided always, That every person offering to subscribe in the said book or books, in his own name, or any other name, shall previously pay to the attending commissioner or commissioners ten dollars for every share to be subscribed, out of which shall be defrayed the expenses attending taking of such subscriptions, and other incidental charges, and the re-

mainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized, and the officers chosen, as is hereinafter mentioned.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That when twenty-five persons or more shall have subscribed eight hundred shares in the said stock, the said commissioners, respectively, may, and when the whole number of shares shall be subscribed, shall certify, under their hands and seals, the names of the subscribers, and the number of shares subscribed by or apportioned to each subscriber, to the governor of this commonwealth, who thereupon shall, by letters patent, under his hand and the seal of the state, create and erect the subscribers (and if the said subscription be not full at the time, then also those who shall afterwards subscribe to the numbers aforesaid) into one body politic and corporate, in deed and in law, by the name, style and title of "The President, Managers and Company, for erecting a bridge over the river Delaware, at or near Trenton," and by the said name the said subscribers shall have perpetual succession, and all privileges and franchises incident to corporation; and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same, from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfill the intent of this act; and of purchasing, taking and holding to them, and their successors and assigns, in fee simple, or for any less estate, all such lands, tenements, hereitaments, estate real and personal, as shall be necessary and convenient to them in the prosecution of their works, and the same to sell and dispose of at their pleasure; and of suing and being sued, and of doing all and every other matter and thing, which a corporation or body politic may lawfully do.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the six persons first named in the said letters patent shall, as soon as conveniently may be after sealing the same, give notice in one of the public newspapers in Philadelphia, and one of the public newspapers in New Jersey, of a time and place by them to be appointed, not

less than thirty days from the time of issuing the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose, by a majority of votes of the subscribers, by ballot, to be delivered in person, or by proxy duly authorized, one president, six managers, one treasurer, and such other officers as they shall think necessary to conduct the business of the said company for one year, and until other officers shall be chosen; and may make such by-laws, rules, orders and regulations, not inconsistent with the laws of this commonwealth, as shall be necessary for the well ordering the affairs of said company. Provided always, That no person shall have more than twenty votes at any election, or in determining any question arising at such meetings, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share by him held under the said number.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said stockholders shall meet on the first Monday in May, in every succeeding year, as shall be fixed by the rules and orders of the said company, to be made as aforesaid, for the purpose of choosing such officers as aforesaid for the ensuing year.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the president and managers first to be chosen as aforesaid shall procure certificates, to be written or printed, for all the shares of the stock of the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the seal of the corporation, to each person, for every share by him subscribed and held, he paying to the treasurer, in part of the sum due thereon, the sum of twenty dollars for each share, which certificate shall be transferable at his pleasure, in person or by his attorney, in presence of the president or treasurer, subject, however, to the payments due and that may grow due thereon; and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for the purpose, shall be a member of the corporation, and for

every certificate by him held, shall be entitled to one share of the capital stock of the company, and to vote as aforesaid at the meetings thereof.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers, at such times and places, and being convened in such manner as shall be agreed on for transacting their business at such meetings, five members shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions fairly entered in a book; and a quorum being met, they shall have full power and authority to agree with and appoint such engineers, superintendents, artists, and other officers as they shall think necessary to carry on the said bridge, and to fix their salaries and other wages, to ascertain the times, manner and proportions in which the stockholders shall pay the money due on their respective shares, in order to carry on their work; to draw orders on the treasurer for all moneys, to pay the salaries of persons by them employed, and for the materials and labor done and provided which orders shall be signed by the president, or, in his absence, by a majority of a quorum, and countersigned by their clerk; and to do and transact all other such acts, matters and thing, as by the by-laws, orders and regulations of the company, shall be committed to them.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That if any stockholder, after thirty days' notice in some one of the public newspapers printed at Philadelphia and New Jersey, respectively, of the time and place appointed for the payment of any proportion or dividend of the said capital stock, shall neglect to pay such proportion at the time appointed, for the space of forty days after the time so appointed, every such stockholder, or his assignee, shall, in addition to the dividend so called for, pay after the rate of five per centum per month for every delay of such payment; and if the same, and the additional penalties, shall remain unpaid for such space of time, that the accumulated penalties shall become equal to the sums before paid on account of such shares, the same shall be forfeited to the said company,

and may and shall be sold by them to any other person or persons willing to purchase, for such price as can be obtained therefor.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the president and managers aforesaid, their superintendents, engineers and artists, of every kind, to enter into and upon all the lands, tenements and enclosures, near to the place where the said bridge is to be built, and to examine the ground, for the purpose of obtaining gravel or sand necessary for building the said bridge; and that it shall and may be lawful for the said managers, overseers, superintendents, or any other persons employed in building the said bridge, to enter, with wagons, carts, sleds or sleighs, or beasts of burden or draught, of any kind whatsoever, first giving notice to the owners, doing as little damage as possible, and repairing any breaches of fences they may have occasion to make, and first making amends for any damages that may be done, which damages shall be ascertained by the parties, if they can agree, or if they cannot agree, then by apraisement to be made as hereinafter directed, upon oath or affirmation, by three indifferent freeholders of the neighborhood, or any two of them, to be mutually chosen, or if the owners or managers, superintendents, engineers or artists, upon due notice, shall neglect or refuse to join in the choice, then the said freeholders to be appointed by and justice of the county not interested on either side; and the said managers, or other persons by them employed as aforesaid, after tender of the appraised value to the owner, may enter and dig, take and carry away, any stone, gravel, sand or earth, most conveniently situated for making and repairing the said bridge.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the president and managers of the said company shall keep fair and just accounts of all money received by them from the said commissioners, and from the subscribers to the said undertaking, and of all penalties for delay in the payment thereof, and of the amount of the

profits or shares that may be forfeited as aforesaid, and of all voluntary contributions, and also of all money by them expended in the prosecution of the said work, and shall, at least once in every year, submit such accounts to a general meeting of the stockholders, until the said bridge be completed, and until all the costs, charges and expenses shall be liquidated and ascertained, and if, upon such liquidation, or whenever the whole capital stock of the company shall be nearly expended, it shall be found that the said capital stock is not sufficient to complete the said bridge, according to the true intent and meaning of this act, it shall and may be lawful for the said president, managers and company, at a stated or special meeting, to be convened according to the provisions of this act, or their own by-laws, to increase the number of shares to such extent, as shall be deemed sufficient to accomplish the work, and to demand and receive the money subscribed for such shares, in like manner and under the like penalties as are hereinbefore provided for the original subscriptions.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That when a good and complete bridge is erected over the said river Delaware, at the place aforesaid, the property of the said bridge shall be vested in the said company aforesaid, their successors and assigns forever, and the said company, their successors and assigns, may demand and receive toll from travelers and others, agreeably to the following rates, viz.: for every coach, landau, chariot, phaeton, or other pleasurable carriage with four wheels, drawn by four horses, the sum of seventy-five cents; for every loaded wagon with four horses, the sum of sixty-seven cents; and for every loaded wagon with two horses, the sum of fifty cents; for every empty wagon with four horses, the sum of fifty cents; and for the same with two horses, the sum of thirty-eight cents; for every chaise, riding chair, sulkey, cart, or other two wheel carriage, or a sleigh or sled, with two horses, the sum of thirty-eight cents; and for the same with one horse, twenty-five cents; for a single horse and rider, the sum of twelve and an half cents; for every led horse or mule, the sum of twelve cents; for every foot passenger, the sum of six cents; for every head of horned

cattle the sum of six cents; for every sheep and swine, the sum of six cents; for every sheep and swine, the sum of one cent. Provided always, That the said bridge shall in no wise injure, stop or interrupt the navigation of the said river, or prevent boats from crossing, or persons from fording, the said river.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That in fixing the toll of all carriages to be drawn wholly by oxen, or partly by horses and partly by oxen, two oxen shall be estimated equal to one horse.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall cut or destroy any piece or pieces of timber, or any plank or planks, belonging to or a part of the said bridge or breakers, or shall remove any piece or pieces of timber, or plank or planks, from off, or any stone or stones, or other materials belonging to the said bridge or breakers, or otherwise voluntarily damage the same, he, she or they, so offending, shall forfeit and pay, for every such offence, over and above the damages done to the said bridge or breakers, the sum of thirty-two dollars, to be recovered in the same manner as debts under twenty pounds are recovered, with costs of suit.

[Section XIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That if the said company, their successors and assigns, and whoever shall own or possess the said bridge, shall collect or demand any greater rates or prices for the passing over the said bridge, than what is hereinbefore prescribed and specified, or shall neglect to keep the said bridge in good repair, he, she or they, so offending, shall, for every such offence, forfeit and pay the sum of thirty dollars, one moiety thereof for the use of the poor at Trenton, in the state of New Jersey, and of the township of Falls, in the county of Bucks, and state of Pennsylvania, equally to be divided, and the other moiety for the use of the person who may sue for the same. Provided always, That no suit or action shall be brought, unless within thirty days after such offence shall be committed.

[Section XIV.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That the said president, managers and company shall also keep a just and true account of all moneys received by their respective collectors of tolls, for crossing the said bridge, and shall make and declare a dividend of the profits and income thereof among all the subscribers to the said company's stock, deducting first thereupon all contingent costs and charges, and such proportion of the said income, as may be deemed necessary for a growing fund to provide against the decay, and for the rebuilding and repairing the said bridge, and shall, on every first Monday in April and October, of every year, publish the dividend to be made of the said clear profits thereof amongst the stockholders and of the time and place where and when the same shall be paid, and shall cause the same to be paid accordingly.

[Section XV.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall, at the end of every third year from the date of the incorporation, until two years next after the said bridge shall be completed, lay before the general assembly of this commonwealth, an abstract of their accounts, showing the whole of the capital stock expended in the prosecution of the said work, and of the income and profits arising from the said toll, for and during the said respective periods, together with an exact account of costs and charges of keeping the said bridge in repair, and all other contingent costs and charges, to the end that the clear annual income and profits thereof may be ascertained and known, and if, at the end of two years after the said bridge shall be completed, it shall appear, from the average profits of the said two years, that the said clear income and profits thereof will not bear a dividend of six per centum per annum on the whole capital stock of the company so expended, then it shall and may be lawful for the said president, managers and company to increase the tolls herein allowed so much, as upon each and every allowance thereof will raise the dividends to six per centum per annum; and at the end of every ten years after the said bridge shall be completed, they shall render the general

assembly a like abstract of their accounts for three preceding years; and if, at the end of any such decennial period, it shall appear from such abstracts, that the clear profits and income of the said company will bear a dividend of more than fifteen per centum per annum, then the said tolls shall be so reduced, as will reduce the said dividend to fifteen per centum per annum.

[Section XVI.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That nothing in this act shall be deemed, taken or construed to authorize or empower the governor to incorporate, or empower any person subscribing as aforesaid, or shall give any power or authority to such subscribers, to do any act, matter or thing herein mentioned, until such time as the legislature of the state of New Jersey shall, by law, vest the like power and authority in such subscribers to erect the said bridge and extend the same from the shore on the west side of the said river, at or near Trenton, across the same to its opposite shore, with as full and ample powers, privileges, franchises and emoluments, as to the subscribers are herein given; and the said subscribers, having such authority, shall be incorporated as aforesaid, and shall proceed in the said work with all convenient speed; and if the said company shall not proceed to carry on the said work within the space of three years after they shall have incorporated, or shall not, within the space of seven years from the passing of this act, complete the said bridge, it shall and may be lawful for the legislature of this commonwealth to resume all and singular the rights, liberties and privileges hereby granted to the said company.

Passed April 4, 1798.

CHAPTER MMXII.

AN ACT TO DIVIDE THE SECOND ELECTION IN THE COUNTY OF HUNTINGDON.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by

the authority of the same, That the township of Shirley, and all that part of the township of Springfield, in the county of Huntingdon, lying on the north-westerly side of the Black Log mountain, being part of the second election district, shall, from and after the passing of this act, be a separate election district, to be called the eighth election district; and the electors thereof shall hold their elections at the house now occupied by John Palmer, in the town of Shirleysburgh. And the township of Dublin and the remaining part of the township of Springfield, in the county of Huntingdon, shall be a separate election district, to be called the second election district; and the electors thereof shall hold their elections at the house now occupied by George Hudson, in Dublin township, any law to the contrary notwithstanding.

Passed January 16, 1799. Recorded L. B. No. 6, p. 318.

CHAPTER MMXIII.

AN ACT TO DECLARE FRANKFORD CREEK A PUBLIC HIGHWAY.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, Frankford creek, in the county of Philadelphia, from the mouth thereof up to Joseph I. Miller's land, opposite to the race bridge across the Bristol road, or main street in Frankford, shall be, and the same is hereby declared to be a public highway, for the passage of all kinds of vessels and rafts which may float therein; and it shall and may be lawful for the inhabitants desirous of using the navigation of the said creek to remove all natural and artificial obstructions, from the mouth of the said Frankford creek up to the aforesaid Joseph I. Miller's land, opposite to the race bridge across the Bristol road, or

main street in Frankford, so that the said creek shall be navigable sixty-six feet in width. Provided, That nothing herein contained shall in anywise affect or injure the stone arched bridge now erected on the Bristol road, across the said Frankford creek.

Passed January 16, 1799. Recorded L. B. No. 6, p. 317.

CHAPTER MMXIV.

AN ACT TO FACILITATE THE BARRING OF ENTAILS.

Whereas common recoveries are now considered as a mode of conveyance, by which tenants in tail are enabled to convey and dispose of their lands and tenements, but the said mode of conveyance is attended with a heavy expense, and in many cases with great inconvenience. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, any person or persons seized of any estate tail in possession, reversion or remainder, shall have full power to grant, bargain, sell and convey any lands, tenements or hereditaments whereof he, she or they be so seized, by such manner and form of conveyance or assurance as any person seized of an estate in fee simple may by the laws of this state grant, bargain, sell and convey any lands, tenements or hereditaments, whereof such person seized of an estate in fee simple; and all and every such grants, bargains sales and conveyances of any person or persons, so seized in tail, shall be good and available to all intents and purposes, against all and every person and persons whom the grantor, bargainer or vendor might or could debar, by any mode of common recovery, or by any way or means whatever, any law or usage to the contrary notwithstanding.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That where any person or persons, having been seized of any estate tail in possession, reversion or

remainder, of any lands, tenements or hereditaments, hath or have granted, bargained, sold or conveyed the same to a bona fide purchaser for a good and valuable consideration, in the same manner and form of conveyance and assurance as if he, she or they had been seized thereof in fee simple, it shall and may be lawful for such person or persons, and his, her or their heirs, inheritable to such estate tail, to convey and confirm such lands, tenements and hereidaments to such purchasers thereof, their heirs and assigns, in the same manner, and by such form of conveyance, as he, she or they might have done, had he, she or they, at the time of such grant, bargain, sale or conveyance, been seized of the said lands, tenements or hereditaments in fee simple, and that such conveyance and confirmation shall be good and available, to all intents and purposes, against any person or persons claiming by virtue of such estate tail, or in remainder or reversion after such estate taill, as such grantor, bargainer or vendor might or could have debarred, by any mode of common recovery, or by any ways or means whatsoever, previously to such grant, bargain, sale or conveyance, any law or usage to the contrary notwithstanding. Provided always, That every grantor, bargainer or vendor, by virtue of this act, shall, in the conveyance or assurance made by him, her or them, state his, her or their intention thereby to debar any estate tail in possession, reversion or remainder, that he, she or they has or have in the lands, tenements or hereditaments so intended to be granted. And provided also, That every conveyance or assurance by virtue of this act, being first proved or acknowledged agreeably to the laws of this commonwealth, shall, in open court, on motion, be entered on the records of the supreme court of this commonwealth, or on the records of the court of common pleas for the county in which the said lands or tenements so granted lie, in the manner commonly used with respect to sheriffs deeds, and shall also be recorded within six months next after the execution of the said conveyance or assurance, in the county where the said lands or tenements so granted shall lie.

CHAPTER MMXV.

AN ACT TO AUTHORIZE JOHN CANAN TO ERECT A TOLL BRIDGE OVER
THE FRANKSTOWN BRANCH OF THE JUNIATA RIVER.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful for John Canan, his heirs and assigns, to erect and build, maintain and support a good and substantial bridge over and across the Frankstown branch of Juniata river, nearly opposite the said John Canan's mills, where the great road from Huntingdon to the western part of the county and to Pittsburg crosses the said branch, and that the property of the said bridge, when built, shall be, and the same is hereby, vested in the said John Canan, his heirs and assigns forever; and that the said John Canan, his heirs and assigns, may demand and receive toll from travelers and others, not exceeding the following rates, viz.: For every coach, landau, chariot, phaeton, or other pleasurable carriage, ten cents for each horse drawing the same; for every loaded wagon or cart, ten cents; and for every empty wagon or cart, eight cents, for each horse drawing the same; for every sleigh or sled, six cents for each horse drawing the same; for a single horse and rider, seven cents; for every horse, six cents; for every foot passenger, one cent; for every head of horned cattle, two cents; for each sheep or swine, at the rate of ten cents for every score; and all carriages which shall be drawn by oxen, or partly by oxen and partly by horses, two oxen shall be estimated as equal to one horse, in charging all the aforesaid respective tolls, and every mule as equal to one horse. Provided always nevertheless, That nothing in this act contained shall extend to authorize the said John Canan, or any other person, to erect a bridge, in the manner in this act before mentioned, on

any private property, without the consent of the owners thereof, or to erect the same in such manner as in any way to interfere with, injure or interrupt the navigation of the said river, or the passage over the ford across the same, near where the said bridge may be erected.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That all poor persons, or such as are or may be exempted from the payment of county rates and levies, shall have liberty to pass and repass the said bridge toll free.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the said John Canan, his heirs and assigns, every third year from completing the said bridge, shall lay before the court of quarter sessions of the proper county an abstract of his accounts, including the capital expended, and of the income and profits of the same, and if it shall appear, at the end of either of the said triennial periods, that the profits shall have exceeded twenty per centum on the capital expended, the toll shall be reduced, so that the clear profits not exceed twenty per centum on the capital stock expended thereon.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That if the said John Canan, his heirs and assigns, shall not proceed to carry on the said work within one year after the passing of this act, or shall not, within three years, complete the same, according to the true intent and meaning of this act, then, and in either of those cases, all and singular the rights, liberties, privileges and franchises hereby granted to the said John Canan, his heirs and assigns, shall revert to this commonwealth.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That whenever the grand jury, in concurrence with the commissioners of said county, shall think proper that the said bridge should become free, then the commissioners of the said county, together with three persons chosen by the said John Canan, his heirs or assigns, shall proceed to estimate the value of the property which the said John Canan, his heirs or assigns, have in the bridge, and the sum agreed on by a majority of them shall be laid before the next

court of quarter sessions and if the court approve the same, then the said commissioners shall draw a warrant in favor of the said John Canan, his heirs or assigns, on the treasury of said county, for the amount of the said sum; and on payment or tender thereof, the said bridge shall be a free bridge; but if the said John Canan, his heirs or assigns, shall at any time, on reasonable notice, refuse or neglect to choose three persons in the manner hereinbefore mentioned, the said commissioners may proceed *ex parte* in making the valuation, and the proceedings shall be thereupon had, as if the said John Canan, his heirs or assigns, had chosen three persons in the manner hereinbefore mentioned.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That if the said John Canan, his heirs or assigns, shall neglect to keep the said bridge in good and perfect order and repair, for the space of five days, and information thereof shall be given to any justice of the peace of the county, such justice shall issue his precepts, directed to any constable, commanding him to summon three judicious freeholders to meet at certain time in the said precepts to be mentioned, at the said bridge, of which said meeting notice shall be given to the said John Canan, his heirs or assigns, and the said justice shall, at such time and place, by the oaths or affirmations of the said freeholders, inquire whether the said bridge is in such good and perfect order and repair, as aforesaid, and if the said bridge shall be found by the said inquisition to be out of order and repair, according to the true intent and meaning of this act, he shall certify the same, and send a copy of the inquisition to the said John Canan, his heirs or assigns, and from thenceforth the said tolls hereby granted shall cease to be demanded, paid or collected, until the said defective part or parts of the said bridge shall be put in good and perfect order and repair, as aforesaid.

CHAPTER MMXVI.

AN ACT TO ERECT THE TOWN OF GREENSBURG, IN THE COUNTY OF WESTMORELAND, INTO A BOROUGH.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the town of Greensburg, in the county of Westmorland, shall be, and the same is hereby, erected into a borough, which shall be called the borough of Greensburg, and shall be comprised within the following boundaries, to wit: Beginning at a white oak corner in William Jack's land, by a line running north twenty degrees east thirty-three perches, to William Best's land; thence west along said line of William Best one hundred and seven perches and a half, to a post on George Oderman's land; thence by land of the said George Oderman and Back street south sixteen degrees east twenty-eight perches to a post adjoining said Oderman's land and a lot of William Barnes; thence south seventy-four degrees west twelve perches to a post adjoining said Oderman's land and William Barne's lot; thence by land of said George Oderman south sixteen degrees east fourteen perches to a post; thence south seventy-four degrees west twenty-four perches to a post; thence by land of the said George Oderman south sixteen degrees east thirty-three perches to a post; thence north seventy-four degrees east eleven perches to a post adjoining James Waterson's land; thence by land of the said James Waterson and James Guthrie south sixteen degrees east eighty-eight perches to a post; thence by land of James Guthrie south eighty-two degrees east forty-four perches to a post; thence by land of Robert Williams, Christopher Truby and William Jack north thirteen degrees east one hundred and forty-one perches to the place of beginning.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the freemen of the said borough, who shall have resided within the same six months and shall in other respects be entitled to vote for members of the general assembly of this commonwealth, shall, on the first Monday of May next, and on that day in every year thereafter, meet together, at the court house in the said borough, and then and there choose by ballot two reputable freeholders, inhabitants of the said borough, to be burgesses, and three reputable persons to serve as assistants for advising, aiding and assisting the said burgess in the execution of the powers and authorities hereby given them, and also to elect a high constable and a town clerk; all and every of which persons shall be residents in the said borough, and shall be duly qualified to elect as aforesaid, and the person which shall have the greatest number of votes for burgess shall be called the chief burgess.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the election for the officers aforesaid shall be holden in the following manner, to wit: the constable of the town of Greensburg in the present year, and the high constable so as aforesaid elected or appointed, in the manner hereinafter mentioned, in every succeeding year, shall give notice of such election, at least six days before the time appointed for holding the same, by advertisement set up at six or more of the most public places within the said borough, and at the election to be holden the present year, the town constable and two reputable freeholders, to be chosen by the electors of the said borough for that purpose, and at every succeeding election, the burgesses and assistants shall hold the said election, receive and count the ballots, and declare the persons duly elected; whereupon duplicate certificates of the persons so elected shall be signed in the present year by the two freeholders chosen as aforesaid, and in every succeeding election by the said burgesses, one whereof shall be transmitted to the clerk of the court of quarter sessions of the county, within twenty days after the said election, and the other filed among the records of the corporation; and at any election held as above directed,

should the two persons highest in vote for burgess have an equal number of votes, the next court of quarter session shall declare who shall be the chief burgess; and if it shall at any time so happen, through neglect or otherwise, that no election shall be holden on that day, or in the mode herein prescribed, it shall be lawful for the court of quarter sessions, and it is hereby required forthwith to appoint the burgess, assistants, high constable and town clerk aforesaid, who shall thereupon be fully invested with the power and authorities to their respective offices appertaining, and the burgesses and other officers so appointed or elected shall hold and execute their respective offices, until the first Monday in May next ensuing their appointment or election, or until others shall be duly elected or appointed in their stead.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the burgess and assistants so chosen, or a majority of them, shall have full power and authority to make such ordinances, rules and regulations, as may be necessary for improving and keeping in order the streets and alleys within the said borough, and removing nuisances or obstructions therefrom, and the same to annul, alter or make anew, as occasion may require, and also to assess, levy and collect a tax for the said purposes, and shall have all other powers necessary for the well ordering and better government of the said borough. Provided, That the said ordinances, rules or regulations, shall not be repugnant to the constitution and laws of this commonwealth. And provided also, That no tax shall be laid by them, in any one year, to exceed one cent in the dollar on the valuation of taxable property taken from the last assessment, until the same is agreed to by a majority of the electors, at the town meeting assembled for that purpose, called together by the said burgess and assistants, or by a request in writing of at least six of the inhabitants of said borough, duly qualified to elect as aforesaid, to the said burgess, who shall require the high constable to give five days' notice of such intended town meeting, by advertisements fixed up in not less than six of the most public places within the said borough, noti-

fyng the time, place and object of the said town meeting; and all taxes which may be assessed or laid within the said borough shall, as near as the same is practicable, be conformable to the laws for raising county rates and levies.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the said burgesses and free-men, duly qualified to elect as aforesaid, and their successors forever hereafter, shall be one body politic and corporate, in and by the name of "The Burgesses and Inhabitants of the Borough of Greensburg, in the County of Westmoreland." shall have perpetual succession, and they and their successors, by the name of the burgesses and inhabitants of the borough of Greensburg shall, at all times hereafter, be persons able and capable in law to have, get, receive and possess lands, tenements, rents, liberties, jurisdictions, franchises and hereditaments, to them and their successors, in fee simple or for term of lives, life, years, or otherwise, and also goods and chattels and other things, of what nature or kind soever, and also to give, grant, let, sell and assign the same lands, tenements, hereditaments, goods and chattels, and to do and excute all other things about the same, by the name aforesaid, and they shall forever hereafter be persons able and capable in law to sue and be sued, plead and be impleaded, and answer and be answered unto, defend and be defended, in all or any courts within this commonwealth, in all manner of actions, suits, complaints, pleas, causes and matters whatsoever; and that it shall and may be lawful to and for the said burgesses and inhabitants aforesaid, and their successors forever hereafter, to have and to use one common seal, for sealing of all business whatsoever touching the said corporation, and the same from time to time, at their will, to change and alter; and the said burgesses and assistants shall have full power to appoint such other officers within the said borough, as shall be necessary to carry into complete effect the provisions of this act.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said burgesses and assistants to lay off a portion or piece of

ground, on the square of the said borough lying south and east of the public gaol, sufficient in extent for the purpose of erecting a market house, and it shall and may be lawful to extend the said market house eight feet on the street leading to Pittsburg, if it be found necessary. Provided always, That eight feet at least shall be left between the said market house and the public buildings.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That if any person, an inhabitant of the said borough and duly qualified to elect as aforesaid, shall be elected to the office of burgess, and, having notice of his election, shall refuse to undertake and execute that office, every person so refusing shall forfeit and pay a fine of twenty dollars; and if any person, duly qualified as aforesaid, shall be duly elected to any other office in the said borough created by this act, and, having notice of his election, shall refuse to undertake and execute the duties of that office, every person so refusing shall forfeit and pay the sum of ten dollars; which fines and forfeitures, and all others in pursuance of this act, or of the by-laws of the said burgesses and inhabitants, shall be recovered before the acting burgess, or any justice of the peace of that county, for the use of the said corporation; and in any such case or refusal, the acting burgesses shall issue their process, directed to the high constable, requiring him to hold an election for the choice of some other fit person or persons, in the stead of such as shall refuse. Provided always, That if any person or persons shall conceive him or themselves aggrieved by the judgment of the burgesses, or any justice, by virtue of this act, he or they may appeal to the next county court of common pleas, who shall, on the petition of the party, take such order therein, as to them shall appear just and reasonable, and the same shall be conclusive to all parties.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the chief burgess shall make and subscribe an oath or affirmation before one of the associate judges, or a justice of the peace for the county of Westmoreland, to support the constitution of the United States and

of this state, and an oath or affirmation well and truly to execute the office of chief burgess of the borough of Greensburg; and when so qualified, he shall administer an oath or affirmation to the other burgess, assistants, high constable and town clerk, in manner and form aforesaid, before they shall enter on the duties of their respective offices.

Passed February 9, 1799. Recorded L. B. No. 6, p. 322.

CHAPTER MMXVII.

A SUPPLEMENT TO AN ACT, ENTITLED, "AN ACT TO PROVIDE FOR THE ERECTION OF HOUSES FOR THE EMPLOYMENT AND SUPPORT OF THE POOR, IN THE COUNTIES OF CHESTER AND LANCASTER."¹

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the directors of the poor of the counties of Chester and Lancaster, respectively, are authorized and empowered to sell and convey, to any person or persons, any quantity of the land already purchased by the said directors, not exceeding one hundred and fifty acres of the land purchased in the county of Chester, nor two-thirds of the land purchased in the county of Lancaster; and the money arising from such sale the said directors of each county shall apply to the use of their respective counties, in the support of the poor, or for the erection of the buildings for their reception.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the commissioners of the counties of Chester and Lancaster, respectively, are hereby authorized and empowered to pay to the persons who were appointed by the act, to which this is a supplement, to fix the places where the buildings for the accommodation of the poor in the aforesaid counties should be erected, such sum of money, as will

¹Passed February 27, 1798, Chapter 1971.

be sufficient to reimburse them for their expenses, and also to pay to each of the directors of the poor of the counties of Chester and Lancaster, respectively, such sum of money, as, together with the annual sum allowed to them by the act to which this is a supplement, will be, in the opinion of the commissioners, a reasonable compensation for each of their services, during the time they are carrying on and erecting the buildings aforesaid. Provided the said buildings are completed within two years from the passing of this act.

Passed February 9, 1799. Recorded L. B. No. 6, p. 326.

CHAPTER MMXVIII.

AN ACT TO AUTHORIZE THE PRESIDENT, DIRECTORS AND COMPANY OF THE BANK OF PENNSYLVANIA TO MAKE A LOAN TO THE UNITED STATES, OF A SUM NOT EXCEEDING FIVE HUNDRED THOUSAND DOLLARS.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the president, directors and company of the Bank of Pennsylvania be, and they are hereby, authorized to lend to the government of the United States any sum or sums of money, not exceeding in the whole the sum of five hundred thousand dollars, on the term proposed by the secretary of the treasury of the United States, in the loan to be opened, agreeably to his proposals, at the bank of the United States, in the twenty-eight of February instant.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That for the purpose of rendering the negotiations for such loan effectual on the part of the said bank, it shall be lawful for the said president, directors and company to subscribe for such sum or sums as they shall think proper, not exceeding said sum of five hundred thousand dol-

lars; and it shall also be lawful for the said president, directors and company, if they shall not be able, by subscriptions to the said loan, to obtain such sum as they shall be desirous of obtaining, to purchase such and so much of the stock, rights, certificates or evidences of debt, created by the subscriptions to the said loan, of and from the subscribers or holders thereof, as shall, together with their own subscription or subscriptions, amount to the said sum of five hundred thousand dollars. Provided such purchase or purchases can be made at par, and the said stock, rights or evidences of debt again to sell and dispose of, whensoever the said president, directors and company shall deem such sale necessary or useful, provided it be not at a price below par, anything in the act, entitled "An act to incorporate the subscribers to the Bank of Pennsylvania," to the contrary notwithstanding.

Passed February 13, 1799. Recorded L. B. No. 6, p. 327.

CHAPTER MMXIX.

AN ACT FOR RAISING, BY WAY OF LOTTERY, A SUM NOT EXCEEDING TWO THOUSAND DOLLARS, TO BE APPLIED TO THE DEFRAYING THE EXPENSES OF COMPLETING THE BUILDING OF A PRESBYTERIAN MEETING HOUSE IN MIFFLINTOWN, IN THE COUNTY OF MIFFLIN.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That Samuel Bryson, James Knox, John Watson, William Harris and James Rodman be, and they are hereby, appointed commissioners, to raise, by way of lottery, a sum not exceeding two thousand dollars, to be by them applied to the defraying the expense of completing the building of the Presbyterian meeting house in Mifflintown, in the county of Mifflin, in such manner as to the said commissioners, or a majority of them, shall appear most beneficial.

¹Passed March 30, 1793, Chapter 1667.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners, previous to selling any tickets in the said lottery, shall lay the scheme thereof before the governor of this commonwealth, to be approved of by him, and shall also enter into bonds to the governor, for the due and faithful performance of their duty in drawing of the said lottery.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners shall pay and discharge such prizes as shall be demanded by persons legally entitled thereto, after the drawing of the said lottery shall be completed.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That each of the said commissioners shall, previous to the entering upon the duties of his office, take and subscribe an oath or affirmation, before some justice of the peace, diligently and faithfully to perform the duties entrusted to him; and at least three of them shall attend at the drawing of each day, and, when the whole is completed, shall cause an accurate list of the fortunate numbers in the said lottery to be published in at least one of the newspapers in circulation in Mifflin county.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the commissioners aforesaid be, and they are hereby, authorized to settle and adjust all accounts which may be exhibited by any person or persons legally employed in carrying this act into effect.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That all prizes not demanded within twelve months after publication as aforesaid, shall be considered as relinquished for the benefit of the undertaking aforesaid.

CHAPTER MMXX.

AN ACT TO REGULATE THE GENERAL ELECTIONS WITHIN THIS COMMONWEALTH.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the general elections within this commonwealth shall be held and conducted by judges, inspectors and clerks, to be chosen and appointed as is hereinafter directed, and no person shall be admitted to vote at any general or special election, or for inspectors thereof, other than citizens of this state, of the age of twenty-one years or more, and who have resided therein two years next before the election, and within that time paid a state or county tax, which shall have been assessed at least six months before the election. Provided, That the sons of citizens qualified as aforesaid, between the ages of twenty-one and twenty-two years, shall be entitled to vote, although they shall not have paid taxes; and every citizen, having paid taxes and resided as aforesaid and claiming a right to vote, shall make due proof thereof as follows, viz: First, That he is a natural born citizen of this state, or was settled therein on the twenty-eighth day of September, one thousand seven hundred and seventy-six; or having been a foreigner, who since that time came to settle therein, he hath taken an oath or affirmation of allegiance to the same, on or before the twenty-sixth day of March, one thousand seven hundred and ninety, agreeably to the then existing constitution and laws; or, Secondly, That he is a natural born citizen of some other of the United States, or had been lawfully admitted or recognized as a citizen of some one of the said states on or before the twenty-sixth day of March, one thousand seven hundred and ninety; or, Thirdly, That, having been a foreigner or alien, he hath been naturalized conformably to the laws of the United States. That

as evidence of his having been naturalized agreeably to the laws of the United States, he shall produce a certificate thereof, under the seal of the court wherein such naturalization took place. That as evidence of his being a natural born citizen of this state, or resident therein on the twenty-eighth day of September, one thousand seven hundred and seventy-six, or a natural born citizen of some other of the United States, if required by any inspector or judge of the election, he shall be examined on his oath or affirmation; that as evidence of his having taken an oath or affirmation of allegiance to this state on or before the twenty-sixth day of March, one thousand seven hundred and ninety, or of having been lawfully admitted or recognized as a citizen of some other of the United States on or before the said day, if required by any inspector or judge of the election, he shall produce a certificate in due form from judge, prothonotary or clerk of a court, mayor, alderman, recorder, or justice of the peace, or shall be examined on his oath or affirmation; and if by such certificate or examination as aforesaid it shall appear that he is a citizen of this state, qualified to elect, agreeably to the provisions of this act, his vote shall be received by the inspector of the township, ward or district in which he resides.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the inspectors of the general election shall be chosen by ballot, on the Saturday next preceeding the first Tuesday in October, in each and every year, at such place in each town, township, ward or district, as the citizens have generally met at for that purpose, public notice of which shall be given by the constable or constables, by six or more written or printed advertisements affixed at as many of the most noted and public places therein, at least one week before the said day; and the election shall be opened between two and three o'clock in the afternoon by the said constable or constables, to be assisted by two qualified citizens, chosen by such citizens qualified to vote as shall be then present and the said constable or constables and assistants shall be judges of the qualifications of the citizens residing within the said town, townships, ward district, who shall offer their votes for inspector, and shall conduct the said election in a fair and im-

partical manner, and keep the same open until six o'clock in the same afternoon, when the poll shall be closed, the number of votes ascertained and the person highest in votes publicly declared; and the said constable and assistants shall make out duplicate certificates of the said election, under their hands, one of which shall be delivered to the person chosen, or left at his usual place of abode, by the said constable, within two days thereafter, and the other he shall deliver to the agents appointed for opening the general election, at the place and on the day appointed for holding the same, at nine o'clock in the forenoon; the qualified citizens of the township of the Northern Liberties and the district of Southwark shall, respectively, choose each two inspectors; and each and every town, township, ward or district, shall each choose one inspector; and if any constable shall neglect or refuse to perform the duties herein required of him, he shall forfeit the sum of fifty dollars; and in case of the neglect, refusal, death or absence from the county of any constable or constables, the overseers of the poor of the township, ward or district, except in such township, ward or district where there shall be no overseer of the poor, in such case the supervisors of the highways shall perform the duties herein required to be done by the constable or constables, under the like penalties, except that the said overseers or supervisors of the highways shall not be required to give more than four days' notice of the time and place for holding the said election.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the courts of common pleas for the several and respective counties in this commonwealth shall, at their term held next before the third Monday in September in each and every year, appoint two justices of the peace, or other qualified citizens residing in each election district, if the county is divided into election districts, but if not, then two such persons for the county at large, as agents whose duty it shall be to attend at the place appointed for holding the election for the district or county for which they are appointed, at nine o'clock in the forenoon of the day of election, to receive from the several constables the returns of the persons

chosen inspectors, to swear or affirm the said inspectors, judges of election and clerks, and to read, or cause to be read, the first, fifth, seventh and ninth sections of this act, and such other parts thereof as in their judgment are necessary for the information of the judges, inspectors and clerks, previous to the opening of the said election; and shall also deliver to the said inspectors the list of taxable and blank forms or returns, which shall have been delivered to them, or either of them, by the county commissioners, agreeably to the directors of this act; and the prothonotaries of each county shall, within three days after the appointment of such agents has been made, deliver a certified transcript of the said appointments to the sheriff of the county, who shall serve a copy of the same on each of the said agents, at least ten days before the day of election; and if any of the said agents shall neglect to attend at the place of election for which he shall be appointed, by nine o'clock in the forenoon of the day of election, or refuse to take upon him and perform the duties by this act required, he shall forfeit and pay the sum of fifty dollars, unless he render a sufficient reason for non-attendance to the next court of common pleas of the proper county, who are hereby authorized to inquire into the same and determine accordingly; and in case neither of the said agents should attend as aforesaid, then any alderman or justice of the peace, who may be present, shall administer the oaths or affirmations required to be taken by the inspectors, judges and clerks, but if no alderman or justice of the peace be present, then one of the judges of the election shall administer the same.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the inspectors chosen as aforesaid shall meet at nine o'clock in the forenoon of the day of election, at the places respectively appointed for holding the same, for the district or county to which they belong, and they, or a majority of them, shall choose and take to their assistance, for the city of Philadelphia, seven, and for any other district, not less than three nor more than five, respectable citizens qualified to vote, who shall be judges of the election in the said city or districts respectively; and the judges and inspectors

chosen in the manner directed by this act shall be forthwith sworn or affirmed by one of the said agents, or other person authorized, and shall appoint such and so many clerks of the election (being severally of the age of twenty-one years or more) as they shall deem necessary, who shall, in like manner, be sworn or affirmed agreeably to the direction of this act; and as soon as the inspectors, judges and clerks shall be severally sworn or affirmed as aforesaid, the said clerks, or some of them, shall make out two copies of the forms of the several oaths or affirmations, which shall be severally subscribed by all the said inspectors, judges and clerks, and the said forms shall be certified under the hands and seals of the attending agent or agents, or other person who shall administer the said oath or affirmation, and at the close of the election one of the said forms shall be sealed up in one of the boxes with the tickets, list of voters and tally papers, and the other shall be transmitted to the prothonotary of the county, to remain on file in his office.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the following shall be the form of the oath or affirmation to be taken by each inspector, viz: "I, A. B. do swear (or solemnly, sincerely and truly declare and affirm) that I will duly attend the ensuing election, during the continuance thereof, as an inspector, and that I will not receive any ticket or vote from any person or persons other than those I shall firmly believe are, according to the provisions of the act, entitled, 'An act to regulate the general elections within this commonwealth' entitled to vote at the said election, without requiring such evidence of their right to vote, as is directed to be given by the said act; nor will I vexatiously delay or refuse to receive any vote from any person I shall believe is entitled to vote as aforesaid, but will in all things truly, impartially and faithfully perform my duty therein, to the best of my judgment and abilities." And the following by each judge, viz: "I, A. B., do swear (or solemnly, sincerely and truly declare and affirm) that I will, as one of the judges, duly attend the ensuing election, during the continuance thereof, and faithfully assist the other judges and inspectors in carrying on the same; that I will not give my consent that any vote or ticket

shall be received from any person or persons other than those I shall firmly believe are, according to the provisions of the act, entitled, 'An act to regulate the general elections within this commonwealth,' entitled to vote at the said election, without requiring such evidence of their right to vote as is directed to be given by the said act; and that I will use my best endeavors to prevent any fraud, deceit or abuse in carrying on the same, by citizens qualified to vote, or others; and that I will make a true and perfect return of the said election, and in all things truly, impartially and faithfully perform my duty respecting the same, to the best of my judgment and abilities." And the following by each clerk, viz: "I, A. B., do swear (or solemnly, sincerely and truly declare and affirm) that I will impartially and truly write down the name of each elector who shall vote at the ensuing election, which shall be given me in charge, and also the name of the town, township, ward or district wherein such elector resides, and carefully and truly write down the number of votes that shall be given for each candidate at the election, as often as his name shall be read to me by the judges thereof, and in all things truly and faithfully perform my duty respecting the same, to the best of my judgment and abilities."

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the commissioners of the several counties within this state shall, at least three days before the second Tuesday in October in every year, deliver, or cause to be delivered, to one of the agents appointed for the proper county or district, as the case may be, a separate alphabetical list of the names and surnames of all the male taxable persons of each ward, borough and township, inhabiting within the same, who have been assessed for a state or county tax at least six months before that day; and also a sufficient number of blank forms and returns, made out in a proper manner and headed as the nature of the election may require, which lists, forms and returns shall be delivered as aforesaid, under the penalty of fifty dollars on each of the commissioners for every neglect thereof; and it shall be the duty of the agent to whom the said lists, blank forms and returns are delivered, to take the same with him to the place of election, and distribute them

to the proper inspectors, previous to the opening of the said election, or if it should so happen that the agent, with whom the said lists, forms and returns are left, should be unable to attend the said election, he shall cause the same to be delivered as aforesaid, under the penalty of one hundred dollars.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That where any township or townships within this commonwealth hath or have been divided, or hereafter shall be divided, in forming any election district, the electors within each part of such divided township or townships respectively shall choose one inspector, who shall, within the part for which he is chosen, perform all and singular the duties to the office of inspector belonging, and in order thereto, the commissioners of the proper county shall furnish the inspector and inspectors so chosen with a list of the taxable inhabitants within such divided township and townships, for which, they are respectively chosen; and if any inspector shall not attend at the proper place of the election, on or before nine o'clock of the morning of the day of the election, such delinquent shall forfeit and pay the sum of fifty dollars, provided he hath had due notice of his election; and every vacancy that shall happen by any delinquency shall be supplied by the qualified electors of the township, ward or district, then present at the time aforesaid, or, if they neglect to make such appointment, the judges shall make the same; and if any person so chosen to supply the place of any inspector shall neglect or refuse to perform the duty of inspector, he shall forfeit and pay a like sum of fifty dollars.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That in receiving the tickets from the electors at the place of election, the number of inspectors who shall sit at each door or window of the house where the election shall be holden shall be determined by a majority of the judges of such election, and that over or near to such door or window the name of the town, township, ward or district, whose inspector or inspectors shall be there placed, shall be written or printed in large and legible characters, in such

manner that the electors dwelling within the several and respective townships, wards or districts, may readily find their inspector or inspectors, in order to deliver to him or them their tickets, as aforesaid.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the inspector shall not receive any votes or tickets from any person or persons whatever, other than the electors residing within their several townships, wards or districts, and that the name and abode of each elector, whose ticket shall have been received, shall be called out aloud by the inspector who shall receive the same, and shall be entered by at least two clerks in separate lists, and the name repeated by them; and the name shall also be marked in the alphabetical list of the proper township, ward or district, by the inspector inserting the letter V in the margin of such list, opposite to the name of such elector who has voted; but if such elector shall have been sworn or affirmed, or have produced a certificate, or such evidence of naturalization as is required by this act, the inspector shall also note the same in the margin of such list; and no person shall be admitted to vote, whose name is not inserted in the list of taxable inhabitants furnished by the commissioners, unless he produce a receipt for the payment of a state or county tax assessed agreeably to the constitution, or give other satisfactory evidence, either on his own oath or affirmation, or otherwise, that he hath paid such a tax, or if he claims a right to vote by being the son of an elector, and that he is between the ages of twenty-one and twenty-two years, he shall depose, on oath or affirmation, that he does verily believe, from the accounts given him, that he is of the age aforesaid, or give such other evidence as may reasonably be required, or as shall be satisfactory to the said inspector and judges of the said election, whereupon the name of the person so admitted to vote shall be inserted in the alphabetical list by the inspector, and a note made opposite thereto, by writing the word "tax," if he has been admitted to vote on proof of his having paid a tax, or the word "age," if he has been admitted to vote on account of his age, and the reason of such vote shall be called out to the clerks, who shall make the like notes in the list of votes kept by them.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That every general and special election to be holden within this commonwealth, shall be opened between the hours of ten and twelve in the forenoon, and shall continue, without interruption or adjournment, until the electors who shall come to the said election shall have full opportunity to give in their respective votes; and every voter may deliver written or printed tickets, as he shall see cause, but on separate pieces of paper, as followeth: in one ticket the name of a person for governor, in one other ticket a senator, or senators, as the case may be, in one other ticket a member or members of the house of representatives, in one other ticket sheriffs and coroners, in one other ticket one or more county commissioners and in one other ticket one or more directors of the poor, for such counties where they may be necessary as the case may be. And the several electors shall separately fold up their respective tickets turning out to view, or indorsing on the outside of one of the folds thereof, the names of office only, and shall thus give their votes secretly; and the same tickets, and no other, being received by the proper inspector, shall be deposited by him in separate boxes kept for that purpose, till the poll be closed; and if any judge of the election, inspector or other person, before the polling of the tickets be closed, shall unfold, open or pry into any such ticket, with design to discover the names of the candidates therein, every person so offending shall forfeit and pay the sum of fifty dollars to the party grieved, to be recovered, with cost, by bill, plaint or information, in any court of record; and if any elector shall offer any more than one ticket of each kind before specified, with a fraudulent design, every such person shall forfeit and pay the sum of twenty dollars for every such offense, and shall moreover forfeit his vote at such election.

[Section XI] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That when the poll shall be closed, the aforesaid boxes, wherein the folded papers or tickets are deposited, shall be opened, one by one, and the judges, in the presence of the inspectors, shall deliberately take out the said

papers, or tickets, and read aloud the name or names written or printed thereon, respectively, whilst two or more of the clerks shall carefully enter and keep account of the same, on paper prepared for that purpose, so that the number of votes for each candidate tallied thereon may be readily cast up and known; but if, upon opening of the said tickets, there be found any more names written or printed on any of them than there ought to be, or if any two or more of such papers be deceitfully folded together, such tickets shall be rejected, and not counted among the votes.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That as soon as all the votes shall be read off and counted, the judges of each district, in case the county be divided into districts, shall make out, under their hands, a fair state and certificate of the number of votes which shall have been then and there given for each candidate, distinguishing the station or office he was voted for, which numbers shall be expressed in words at length, and not in figures only; and one of the said judges shall take charge of such certificate, and on the fourth day after the day of election produce the same in a meeting of the one judge from each district within the same county, at the court house, and for the city and county of Philadelphia, at the state house, for which service he shall be allowed, out of the county treasury, ten cents for every mile he shall necessarily have traveled in coming from his proper election district to the said court house, and in returning from thence to his own home; and the judges of the several districts of the county, so met, shall add together the number of votes which shall appear to be given for any person or persons, who shall thereupon be found to be highest in vote or elected as representatives, senator, or other officer, and shall forthwith make out duplicate returns of the election of such person or persons, as shall be so elected and chosen for any office or station, which the electors of the said county are entitled to choose of themselves, unconnected with any other county or district; and when a governor is to be chosen, like returns of all the votes given for any person or persons for governor; and having lodged one of each of the said returns in the office of the prothonotary of

the county, shall enclose, seal and direct the others, when the same relates to the choice of a governor, to the speaker of the senate, when to the election of a senator or senators, to the senate, when to a member or members of the house of representatives, to the house of representatives, when to sheriffs or coroners, to the secretary of the commonwealth, when to a commissioner or commissioners for the county, to the clerk of the court of quarter sessions of the said county. And one of the said judges shall deliver the returns, so sealed and directed, to the sheriff of the county, indorsing thereon the time of delivering the same, and the said sheriff shall, within five days thereafter cause the return directed to the clerk of the court of quarter sessions to be delivered agreeably to the said direction and having received the returns of any district for the election of a senator or senators, or one or more members of the house of representatives, which may by law be directed to be completed and made out within the said county for the same election, the said sheriff shall forthwith, by himself or his deputy, transmit the whole of the said returns to the secretary of the commonwealth, so that the same shall be delivered into the secretary's office within twenty days after the last of the returns shall have been received by the said sheriff, in which case, and not otherwise, he shall be entitled to receive from the state treasury, on warrants drawn by the governor, ten cents for every mile he shall necessarily travel in going from and returning to his proper county.

[Section XIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That in the city of Philadelphia, and in any county where the election shall be holden only at one place, the returns thereof shall be made without delay, in like manner as is herein directed, as nearly as the different circumstances shall permit; and when two or more counties shall compose a district for the choice of one or more members of the senate or house of representatives, the judges of election in each county, having met as aforesaid at their court house, shall make out a fair statement, under their hands, of all the votes which shall have been given at the said election, within their county, for any person or persons as a member or members of the senate or house of representatives, as the case may be, and one of the

said judges shall take charge of such certificate, and produce the same in a meeting of one judge from each county, at such place in the said district as is or shall be appointed by law for that purpose, on the seventh day after the day of the election, and the said judges shall then and there cast up the several county returns, and make duplicate returns of the person or persons chosen for the said district, and one of each of the said returns, if there shall be more than one kind, shall be deposited in the prothonotary's office of the county in which they meet, and the other delivered to the sheriff of the said county, sealed and directed as hereinbefore prescribed, and the day on which the same is so delivered shall also be indorsed thereon; and each judge, who shall attend to make out the said district return, shall be allowed, out of the treasury of his proper county, ten cents for every mile he shall necessarily travel in performing that service; and such of the returns delivered as aforesaid to the prothonotary of each county, as shall certify the election of a commissioner or commissioners of the proper county, shall be by the said prthonotary laid before the court of quarter sessions, which shall order the same to be recorded according to law; and each prothonotary within this commonwealth shall, as soon as all the other returns herein required are delivered into his office, make out a copy thereof, and certify the same, and shall forthwith transmit the said copy, under a sealed cover, directed to the secretary of the commonwealth, by placing the same in the nearest post office.

[Section XIV.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the sheriffs of each and every county of this state to give public notice, by advertisements posted up in the most public places in each district, or by publication in one or more newspapers of the counties respectively, at least twenty days before the general election, that such election is to be held; and he shall enumerate in the advertisements aforesaid what officers are to be elected; and in case of neglect of such notice by the sheriff of any county, he shall pay a fine of two hundred dollars.

(Section XV, P. L.) And whereas the nineteenth section of the constitution of this state provides that when vacancies happen in either house, the speaker shall issue writs of election to fill up such vacancies: Therefore:

[Section XV.] Be it enacted, That when, in consequence of any vacancies, by death, resignation or otherwise, in the house of representatives the speaker of the house of representatives shall issue his writ, he shall therein command the sheriff of the proper county, or other person to whom such writ may be directed, on a day certain, and therein particularly expressed, to hold an election to supply such vacancy; and when, in consequence of any vacancy in the senate, by death, resignation or otherwise, the speaker of the senate shall issue his writ to the sheriff or sheriffs of the county or counties of which the district is composed, or other person or persons to whom such writ may be directed, he shall therein command such person or persons, on a day certain, and therein particularly expressed, to hold an election to supply such vacancy: and when such vacancy shall happen in either house during the session of the general assembly, or when the same shall be required by their own adjournment, or by the governor, to meet at some time previous to the next succeeding general election, the speaker of the house wherein such vacancy shall happen shall appoint a time, as early as may be convenient, for holding an election to fill the said vacancy; but if such writ shall be issued during the recess of the general assembly, and when the same shall not be required to meet before the next succeeding general election, the speaker issuing such writ shall direct the election to be held at the time appointed for holding the general election. Provided always, That if, after issuing of such last mentioned writ, the governor shall at any time issue his proclamation for convening the general assembly, the sheriff, or other person to whom the said writ shall be directed, shall in that case proceed to execute the same, by holding the election within thirty days after the date of such proclamation. And provided further, That such writ, so issued by the speaker of the house of representatives and senate, respectively, shall be delivered to the sheriff,

or other person to whom the same may be directed, at least fifteen days before the day appointed for such election, who shall forthwith give due and public notice thereof throughout the county, at least ten days before such election, and shall send a copy thereof to each of the judges, or to one of the judges of each district therein, in case such county or counties be divided for the purpose of election; and such elections shall be holden and conducted in like manner as is hereinbefore directed, and the judges and inspectors chosen for and before the next preceeding general election shall attend at and serve as such, respectively, at such occasional elections.

[Section XVI.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That the judges of the elections, who shall meet at their respective court house, or other place appointed by law, to compare the several lists and certificates, and to cast up the number of votes for each candidate, shall give notice in writing to each member of the house of representatives and senate, who shall be elected, and reside in their respective districts, within ten days next after the day of making up the return.

[Section XVII.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That all elections shall be free and voluntary, and that any elector who shall receive any gift or reward for his vote, in meat, drink, moneys, or otherwise, shall forfeit his right to elect for that time, and shall also forfeit and pay any sum not exceeding fifty dollars, and suffer imprisonment for a time not exceeding the term of six months, as the court of the proper county wherein such offender shall be convicted shall, upon due consideration of the case, think proper to award against him, and if it be made to appear to the satisfaction of the proper court, that at any election to be holden under this act, any intimidation, threats, force or violence, hath been used or practised, with design to influence unduly, or to overawe such election, or to restrain the freedom of choice, or if any officer of the election shall be threatened, or violence used to his person, or interrupted in the execution of his duty, every person who shall be guilty of such intimidation, threats, vio-

lence or interruption, being convicted thereof, shall be fined and imprisoned for the same, at the discretion of the court, not exceeding six months' imprisonment, nor exceeding one hundred dollars fine; and any person who shall bribe as aforesaid, or who shall promise or attempt, either directly or indirectly, to give or bestow any reward as aforesaid, in order to procure any person to be elected, shall, upon conviction thereof, be liable to a fine and imprisonment, at the discretion of the court, within the limitation next before mentioned.

[Section XVIII.] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That if any person who is not qualified to vote in this state agreeably to the provisions of this act (except the sons of qualified citizens) shall appear at any place of election, for the purpose of issuing tickets, or of influencing the citizens qualified to vote, every person interfering in the manner aforesaid shall forfeit and pay any sum not exceeding thirty dollars for every such offense.

[Section XIX.] (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That the governor shall be a competent judge of the election of every person who shall be returned to serve as sheriff or coroner, and for that purpose may send for papers, persons or records, and may summon and compel witnesses to appear before him, and examine them upon oath or affirmation, or, at his discretion, may direct the examination of such witnesses who dwell forty miles or more from the seat of government, to be taken in writing, by commissioners appointed by him for that purpose. Provided opportunity be given to the parties to be present, and to examine and cross-examine the said witnesses.

[Section XX.] (Section XX, P. L.) And be it further enacted by the authority aforesaid, That if any person, in taking an oath or affirmation required by this act, shall be guilty of wilfully and corruptly making a false oath or affirmation, or if any person shall suborn any other person to make any such false oath or affirmation, and be convicted thereof by a jury of the proper county, every such person, offending as aforesaid, shall suffer such penalties and disabilities as are incurred on convic-

tion of wilful and corrupt perjury, or subornation of perjury, respectively; and if any person shall knowingly publish, utter, or make use of any forged or false receipt or certificate, with intent to impose the same upon or deceive any judge or inspector at any election, such person shall incur a fine of fifty dollars, and suffer six months' imprisonment.

[Section XXI.] (Section XXI. P. L.) And be it further enacted by the authority aforesaid, That the commissioners of the proper county shall, out of the county stock, provide sufficient and suitable boxes for depositing the tickets taken in by the inspectors of the several districts, and after the election shall be finished, the same boxes shall be given in charge to some justice of the peace of the neighborhood, to be kept, till the next election.

[Section XXII.] (Section XXII. P. L.) And be it further enacted by the authority aforesaid, That as soon as any election shall be finished, the tickets, lists of taxables, one of the lists of voters, tally papers, and one of the certificates of the oath or affirmation taken and subscribed by the inspectors, judges and clerks, shall be all carefully collected and deposited in one or more of the boxes hereinbefore mentioned, and the box or boxes, being closely bound around with tape, shall be sealed by two or more of the judges of the election and one or more of the inspectors, and shall be delivered to the nearest justice of the peace of the county, to be kept by him, to answer, if need be, the call of the joint or separate committees of the senate and house of representatives, who may be appointed to try the merits of any such election; and if any judge of the election, inspector, clerks, or other person, shall deface, alter, embezzle or destroy any of the said tickets, lists or tally papers or certificates, such person, so offending, shall forfeit and pay the sum of three hundred dollars for every offense to the person, who shall, within the space of six months thereafter, sue for the same, by action of debt, in any court of record, and suffer imprisonment for a term not exceeding twelve months; and any such justice who shall refuse to receive the said box or boxes, or, having received the same, shall neglect the safe keeping thereof, shall for-

feit and pay two hundred dollars for every such neglect or refusal; and the other lists of voters, tally-papers and certificates, shall be enclosed by the said judges in a sealed cover, directed to the prothonotary of the county, and shall, by some one of them, be delivered into his office, where the same shall be filed; and it shall be the duty of the prothonotary to give a certified copy of the said lists to any person or persons applying for the same, on payment of the usual fees, as in other cases.

[Section XXIII.] (Section XXIII, P. L.) And be it further enacted by the authority aforesaid, That if any judge of election, inspector or clerk, acting under this act, shall be duly convicted of any wilful fraud in the discharge of the duties enjoined upon or required of him by this act, he shall forfeit a sum not less than one hundred, nor more than five hundred dollars, and shall be for seven years disabled from holding any office of honor, trust or profit, in this commonwealth; and such person shall be moreover disabled, for the term aforesaid, to elect or give his vote any general or special election to be holden within this state; and if any person appointed to be judge of election, inspector or clerk, at any of the elections directed and regulated by this act, shall neglect or refuse to take upon himself the duties appointed therein, or having taken upon himself the said duties, shall afterwards neglect to do and perform the same in the manner by this act required, he shall forfeit and pay any sum not less than fifty, nor more than one hundred dollars for every such offence; and if any prothonotary or sheriff shall neglect or refuse to do and perform the duties enjoined upon them, in the manner required by this act, or shall wilfully misbehave in the doing thereof, he or they shall forfeit and pay any sum not exceeding five, nor less than two hundred dollars, and suffer imprisonment for any term not exceeding six months; and each of the agents, judges, inspectors and clerks, whilst employed in the duties required of them by this act, shall receive for his services and expenses the sum of one dollar and fifty cents per day, to be paid by the treasurer of the proper county, out of the county rates and levies, on orders to be drawn for the same by the commissioners of the proper county, which allowance shall be in full for their said services and expenses, other

than the mileage hereinbefore allowed, and in lieu of all kinds of refreshment it may have been heretofore customary to provide at the expense of the county; and from and after the passing of this act, no such expense shall be paid or allowed for such refreshments by the commissioners of any county within this commonwealth.

[Section XXIV.] (Section XXIV, P. L.) And be it further enacted by the authority aforesaid, That every specific fine and forfeiture by virtue of this act to be incurred shall be recovered by action of debt brought in the supreme court, or in any court of common pleas within this commonwealth, or by information or indictment, one-half to the use of the plaintiff, informer or prosecutor, and the other half to the use of this commonwealth; and where such fine or forfeitures in not specific, by indictment, one-half to the use of the prosecutor, and one-half of the use of the commonwealth; provided always, That all suits and prosecutions against any person by virtue of this act be brought, within the proper county, within six months next after the cause of such suit or prosecution shall accrue, and not otherwise.

[Section XXV.] (Section XXV, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor of this commonwealth, on the representation of the college of physicians of the city of Philadelphia, and board of health, or either of them, that from the prevalence of a malignant or contagious fever in the said city and suburbs, the lives of the electors will be in danger, by attending at the places fixed by law for holding elections within the same, to direct the sheriff of the county of Philadelphia to hold the election for the city at such other place within the limits of the city plot, and the elections for the districts and townships at such other places within the same, as he, the governor, may judge most safe and convenient, and it shall be the duty of the sheriff of the city and county of Philadelphia to give public notice, by advertisements posted up in the most public places of the several wards or districts, or publish, in at least three of the public newspapers printed in the city of Philadelphia, the places where such

elections are to be held, at least seven days before the time of holding the said election, and if the sheriff shall neglect to perform the duty herein prescribed, he shall pay the sum of two hundred dollars for every such neglect.

[Section XXVI.] (Section XXVI, P. L.) And be it further enacted by the authority aforesaid, That an act, entitled, "An act to amend the several acts of this commonwealth directing the mode of electing members of the general assembly thereof," passed the twentieth of September, one thousand seven hundred and eighty-two, and an act, entitled, "An act to regulate the general elections of this commonwealth, and to prevent frauds therein," passed the thirteenth of September, one thousand seven hundred and eighty-five and an act, entitled, "An act for altering and amending an act, entitled, 'An act to regulate the general elections of this commonwealth, and to prevent frauds therein,'" passed the nineteenth of September, one thousand seven hundred and eighty-six, except so much of the two last mentioned acts as relates to election districts, or respects the repealing of former laws, shall be, and the same are hereby, repealed and made void.

Passed February 15, 1799. Recorded L. B. No. 6, p. 328.

CHAPTER MMXXI.

AN ACT TO INCORPORATE AND ENDOW AN ACADEMY OR PUBLIC SCHOOL IN THE TOWN OF YORK, AND FOR OTHER PURPOSES THEREIN MENTIONED.

Whereas a tender is made to the legislature by the rector, church-wardens and vestrymen of the Protestant Episcopal Church of St. John, at Yorktown, of a large, convenient two story brick building in the said town, situate in Beaver street, forty-eight feet front and sixty feet in depth, together with the lot of ground whereon the same is erected, which hath been occupied for several years as an academy or school house, in order

that the same may be appropriated for a public school for the county of York, and endowed in such manner as the legislature intentions of the rector, church-wardens and vestrymen of the Protestant Episcopal Church of St. John, at Yorktown, should be carried into effect. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and is hereby enacted by the authority of the same, That the tender made by the rector, church-wardens and vestrymen of the Protestant Episcopal Church, of St. John, at Yorktown, to the legislature, of a large two story brick building, in the town of York, situate in Beaver street, forty-eight feet front and sixty feet in depth, together with the lot of ground whereon the same is erected, be accepted and the same is hereby accepted, anything in the act, entitled, "An act to incorporate the Protestant Episcopal Church of St. John at Yorktown," which prevents the said corporation from alienating their estate, to the contrary notwithstanding.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That all right and title in and to the said building and lot above described is hereby transferred, conveyed to, and vested in the trustees of the York county academy, hereinafter named and established, for the use and benefit of the said academy.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That there be erected, and hereby is erected and established, in the town of York, in the county of York, a county school or academy, for the education of youth in the learned and foreign languages, the useful arts, sciences and literature, the style, name and title of which said school or academy, and the constitution thereof, shall be, and are hereby declared to be, as is hereinafter mentioned and defined, that is to say: *First*, The said academy shall be hereafter called and known by the name of "The York county Academy;" *Second*, That the said academy shall be under the management, direction and government of twenty-one trustees, or a quorum or board thereof, as hereinafter mentioned; *Third*, That the first trus-

tees of the said academy shall consist of the following persons, viz: John Campbell, Jacob Goring, Daniel Waggoner, John Black, Robert Kithcart, William Paxton, Thomas Hartley, James Smith, John Edie, John Clark, Jacob Hay, Jacob Rudicil, Elihu Underwood, William Ross, of Chanceford, Jacob Barnitz, Michael Snyder, Conrad Laub, William M'Lean, William Scott, Philip Goslar and George Bard, which said trustees, and their successors to be elected in the manner hereinafter mentioned, shall forever hereafter be, and they are hereby, erected, established and declared to be one body politic and corporate, with perpetual succession, in deed and in law, to all intents and purposes whatsoever, by the name, style and title of "The trustees of the York county academy," by which name and title they, the said trustees and successors, shall be competent and capable in law and equity to take to themselves and their successors, for the use of the academy, any estate in any messuages, lands, tenements, goods, chattels, moneys, or other effects, by the gift, grant, bargain, sale, conveyance, assurance, will, devise, or bequest, of any person or persons whatsoever, provided the same do not exceed in the whole the yearly value of ten thousand dollars; the same messuages, lands, tenements, hereditaments and estate real and personal to grant, bargain sell, convey, assure, demise, and to farm, let and place out on interest, or otherwise dispose of, for the use of the said academy, in such manner as to them, or at least nine of them, shall seem most beneficial to the institution, and to receive the rents, issues, profits, income and interest of the same, and to apply the same to the proper use and support of the said academy; and by the same name, to sue, commence, prosecute and defend, implead and be impleaded, in any courts of law or equity, and in all manner of suits or actions whatsoever, and, generally, by and in the same name, to do and transact all and every the business touching or concerning the premises, or which shall be incidentally necessary thereto, as fully and effectually as any natural person or body politic or corporate, within this commonwealth, have power to manage their own concerns, and to hold, enjoy and exercise all such powers, authorities and jurisdictions, as are customary in other

seminaries of learning. *Fourth*, The said trustees shall cause to be made for their use one common seal, with such devices and inscriptions thereon as they shall think proper, under and by which all deeds, diplomas, certificates and acts of the said corporation shall pass and be authenticated and the same seal, at their pleasure, may break and devise a new one. *Fifth*, That the said trustees of the said academy, or seven of them at least, shall meet at the borough of York, on the first Monday in May next, for the purpose of concerting and agreeing to such business as in consequence of this act shall be proper to be laid before them at the commencement of the institution, and shall have power to adjourn from time to time, as they shall see cause, for the purpose of perfecting the same. *Sixth*, That there shall be a meeting of the said trustees held once in every year at least, at the borough of York, at such times as the said trustees, or a quorum thereof, shall appoint, of which notice shall be given after the first meeting, either by public advertisement in two of the nearest public newspapers three weeks before the time, or by notice in writing, signed by the clerk or other officer of the trustees, for that purpose to be appointed, and sent to each trustee, at least ten days before the time of such intended meeting; and if, at such meeting, seven of the trustees shall not be present, those of them who shall be present shall have power to adjourn the meeting to any other day, as fully and effectually, to all intents and purposes, as if the whole number of trustees, for the time being, were present, but if seven or more of the said trustees shall meet at the said appointed times, or at any other time of adjournment, then such seven or more of the said trustees shall be a board or quorum, and a majority of them shall be capable of doing and transacting all the business and concerns of the said academy, not otherwise provided for by this act, and particularly of making and enacting ordinances for the government of the said academy, of electing trustees to supply any vacancies that may happen, by death, resignation or otherwise, of electing and appointing the principal and masters of the said academy, of agreeing with them for their salaries and stipends, ascertaining their several duties and powers, and

removing them for misconduct or breach of the laws of the institution, of appointing committees of their own body to carry into execution all and every the resolutions of the board, of appointing a treasurer, secretary, stewards, managers and other necessary and customary officers for the taking care of the estate and managing the concerns of the corporation, and, generally, a majority of the board, or quorum of the said trustees, consisting of seven persons at the least, at any annual or adjourned meeting, after notice given as aforesaid, shall determine all the matters and things (although the same be not herein particularly mentioned) which shall occasionally arise, and be incidentally necessary to be determined and transacted by the said trustees. Provided always, That no ordinances shall be of force, which shall be repugnant to the laws of this state. *Seventh*, Persons of every religious denomination shall be capable of being elected trustees, nor shall any person, either as principal, master or pupil, be refused admittance for his conscientious persuasion in matters of religion, provided he shall demean himself in a sober, orderly manner, and conform to the rules and regulations of the academy. No misnomer of the said corporation shall defeat or annul any gift, grant, devise, or bequest, to or from the said corporation, Provided the intent of the parties shall sufficiently appear upon the face of the gift, grant, will, or other writing, whereby any estate or interest was intended to pass to or from the said corporation, nor shall any disuser or non-user of the rights, liberties, privileges, jurisdictions and authorities, hereby granted to the said corporation, or any of them, create or cause a forfeiture thereof.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the constitution of the said academy, herein and hereby declared and established, shall be and remain inviolable forever, and the same shall not be altered by any ordinance or law of the said trustees, nor in any other manner than by an act of the legislature of this state.

¹Chapter 987.

²Chapter 1175.

³Chapter 1242.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the said trustees hereinbefore appointed, and their successors, and the principal and master, and every of them hereafter to be appointed, in such manner and form as herein is directed and required before he or they enter upon the duties of their trust or office, shall, before a justice of the peace or alderman of this state, take and subscribe the oaths or affirmations, prescribed by the constitution of this state to be taken by the officers of this state, and shall also take an oath or affirmation for the faithful discharge of their respective trust or office aforesaid.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the governor is hereby authorized and required to issue a warrant in favor of the trustees aforesaid, or their order, on the county treasurer, for the sum of two thousand dollars, payable out of the arrearages of taxes due from the said county to the commonwealth, for which sum the county of York shall be credited on the books of the comptroller-general, in the settlement of their accounts for arrearages of taxes, as an endowment to the said academy, and the said trustees shall vest and dispose of the said grant of money in such manner, as to them shall seem most beneficial to the said academy.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That as soon as the two thousand dollars mentioned in the preceding section shall be paid to the trustees, there shall be admitted into the said academy any number of poor students, who may at any time be offered, in order to be taught gratis, Provided the number so admitted shall at no time be greater than seven, and that none of the said students shall continue longer than two years, if others should offer.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That so much of the act, entitled, "An act to incorporate the Protestant Episcopal church of St. John at Yorktown,"¹ passed the twentieth day of Septem-

¹Passed September 20, 1787, Chapter 1312.

¹Chapter 1312.

ber, one thousand seven hundred and eighty-seven, as prevents the rector, church wardens and vestrymen, and their successors, from alienating the school-house and lot of ground on which the same is erected, as is therein mentioned, be and the same is hereby repealed.

Passed March 1, 1799. Recorded L. B. No. 6, p. 343.

CHAPTER MMXXII.

AN ACT TO CONTINUE IN FORCE, FOR A LIMITED TIME, PART OF AN ACT, ENTITLED, "A FURTHER SUPPLEMENT TO THE ACT, ENTITLED, 'AN ACT TO ENJOIN CERTAIN DUTIES ON THE SECRETARY OF THE COMMONWEALTH, AND FOR OTHER PURPOSES' "

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That so much of the act, entitled, "A further supplement to the act, entitled, 'An act to enjoin certain duties on the secretary of the commonwealth and for other purposes,'" passed on the fourth day of April, one thousand seven hundred and ninety-six, as provides for and directs an increase of the salary of the deputy-secretary, be, and the same is hereby, continued for three years from and after the passing of this act, and from thence to the end of the session of the general-assembly.

Passed March 1, 1799. Recorded L. B. No. 6, p. 353.

CHAPTER MMXXIII.

A SUPPLEMENT TO THE ACT, ENTITLED, "AN ACT TO EXTEND THE POWERS OF THE JUSTICES OF THE PEACE OF THIS STATE."

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by

the authority of the same, That from and after the passing of this act the powers of the justices of the peace of the several counties in this state, and of the aldermen and aldermen's court in the city of Philadelphia, shall be, and the same are hereby, extended to actions or suits brought for the recovery of damages for any trespass, wrong or injury, done or committed against the real or personal estate of the plaintiff, in all such cases where the said damages shall not exceed the sum of twenty dollars; and it shall be the duty of the justice, aldermen or aldermen's court, before whom any such action or suit is brought, upon the request of either the plaintiff or defendant, to appoint three reputable citizens, to be chosen by the parties, or if the parties cannot agree in such choice, then to be nominated by the said justice, alderman or aldermen's court, and to administer an oath or affirmation to the persons so chosen or appointed, justly and truly to assess the damage (if any) which the plaintiff has sustained, and after the said referees shall by view, or otherwise, have inquired into the truth of the case, and made report thereof in writing to the said justice, alderman or aldermen's court, judgment shall be entered thereupon, and execution issue, as in other cases. Provided nevertheless, That if the damages so found by the referees shall not amount to more than one dollar, the plaintiff or plaintiffs shall not recover more costs than damages. And provided also, That if the defendant shall, before the appointment of referees, make oath or affirmation that the title to lands will come in question in any such suit or action, then, and in such case, it shall be the duty of the said justice, alderman or aldermen's court to dismiss the same, in order that such question may be tried according to the course of the common law.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the powers of the said justices aldermen or aldermen's court shall be extended to all cases of rent not exceeding the sum of fifty-three dollars and one-third, and the said justice, alderman or aldermen's court, before whom any suit is commenced for the recovery of rent, shall have authority to admit a defalcation or set off of the just ac-

count of the tenant out of the same, and the landlord may prosecute the said suit to judgment and execution, as in other cases, or, if he think proper, may waive further proceedings before the said justice, alderman or aldermen's court, and distrain in the usual manner for the balance so settled, but if any landlord shall be convicted, after such waiver, in any court of record of distraining and selling more than to the amount of such balance and of detaining the surplus, he shall forfeit to the tenant three times the amount of the surplus detained.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That if any landlord shall distrain the goods of his tenant, agreeably to the existing laws of this commonwealth, for a sum not exceeding fifty-three dollars and one-third, and the tenant shall have a just account to set off against the same, it shall be the duty of any justice, alderman or aldermen's court, to whom application for that purpose shall be made to issue process against the landlord, to compel him to appear and show cause, if any he has, why the demand of the tenant should not be allowed, and upon the appearances of the landlord, or on his refusal or neglect to appear, if the said justice, alderman or aldermen's court shall be satisfied of the justice of the tenant's account, the same shall be defalcated out of his arrears of rent, and the distress shall proceed for no more than the balance which shall remain due, in like manner and under the like penalty as is provided in the preceding section of this act. Provided always, That in all cases wherein the powers of the justices of the peace are by this act extended, the parties shall have the same right of removal, although the cause in dispute may not amount to ten pounds, and appeal, in like manner as is provided in other cases by the act to which this is a supplement.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That nothing in this act contained shall be construed or understood to extend to actions of ejectment brought to obtain possession of lands and tenements; actions of replevin in cases of actual distress, actions of slander, actions on real contracts for the sale or conveyance of lands and

tenements, civil actions for damages in personal assault and battery, wounding or maiming, or to actions for false imprisonment.

(Section V, P. L.) And whereas doubts have been entertained with respect to the mode of recovering the forfeitures and penalties prescribed by the following acts, passed in the year one thousand seven hundred, to wit: "An act against forcible entry,"¹ "An act against removing land marks,"² "An act against defacers of charters,"³ and "An act about cutting timber trees:"⁴

[Section V.] Be it therefore enacted by the authority aforesaid, That in all cases arising under the said acts, where the penalty is fixed and the court not mentioned in which the recovery shall be had, the same shall be prosecuted in the court of quarter sessions of the county where the offence is committed, and warrants shall and may be issued by any of the aforesaid justices or aldermen, to oblige the offender or offenders to find surety for his, her or their appearance at said court, and to be of good behavior in the meantime, if necessary, and in default of such surety, to commit him, her or them to the gaol of such county, to be dealt with according to law.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the acting constable in every ward, town, township, or district, in this commonwealth, shall, within six days after the election for a constable or constables has been held, give notice, in writing, to the person or persons who shall be chosen, of his or their election to the said office; and if such acting constable shall neglect so to do, he shall forfeit to the commonwealth the penalty of sixteen dollars; and if any person, so elected and notified, shall refuse or neglect to appear on the first day of the next court of quarter sessions, to decline or accept the said office, he shall forfeit the like penalty of sixteen dollars to the commonwealth, which penalties shall be levied by order of the said court.

¹Passed November 27, 1700, Chapter 11.

²Passed November 27, 1700, Chapter 15.

³Passed November 27, 1700, Chapter 16.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That so much of an act of assembly, enacted on the first day of March, in the year one thousand seven hundred and forty-five, entitled, "An act for the more easy and speedy recovery of small debts"⁵ and of the act to which this is a supplement, as is hereinbefore altered or amended, and the second section of the act, entitled, "An act to continue in force, for a limited time, the act, entitled, 'An act to extend the powers of the justice of the peace in this state, and other purposes therein mentioned,' " passed the fourth day of April, one thousand seven hundred and ninety-eight, be, and the same is hereby, repealed and made null and void.⁶

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That this act shall be and continue in force for the term of two years from and after the passing of this act, and from thence until the end of the next session of the general assembly of this commonwealth, and no longer.

Passed March 1, 1799. Recorded L. B. No. 6, p. 348.

CHAPTER MMXXIV.

AN ACT FOR THE APPOINTMENT AND REGULATION OF CONSTABLES IN THE DISTRICT OF SOUTHWARK.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, the electors of the district of Southwark shall, on the same day and at the same place where they meet to choose inspectors for the election of commissioners for said district,

⁵Chapter 365.

⁶Chapter 1995.

annually elect six suitable citizens residing in the district aforesaid, and return the names of the persons so elected to the next general court of quarter sessions to be held for the county of Philadelphia, and the said court shall appoint three of them constables for the said district; and if either of the said constables elected and appointed as aforesaid, refuse or neglect to take upon him the office to which he shall be appointed as aforesaid, or in case of vacancy by dismissal from office for misconduct, death, resignation or removal from the said district, the court may and shall appoint another proper person to serve the office of constable for and during the term, or residue of the term, which the person in whose room he shall be so appointed was entitled to serve.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That before any constable of the said district, elected and appointed as aforesaid, shall enter on the duties of his office, he shall become bound by recognizance, with two or more good and sufficient sureties, inhabitants and citizens of the said district, to be approved by the justices of the said general court of quarter sessions, for the faithful performance of the duties of the office, jointly and severally, in the sum of two hundred dollars, payable to the commonwealth, in trust for the use and benefit of all and every person or persons, who may be injured or aggrieved by the neglect or improper conduct of such constable in the execution of the duties of his said office.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid. That if any constable or constables, elected and appointed under this act, or any person or persons by his or their direction, shall at any time hereafter purchase, on account or for the use of the said constables, or any of them at his or their respective sales, any goods, chattels, wares or merchandises, taken in execution by the said constables, or any of them, and the same be proved on the oath or affirmation of one or more creditable witness or witnesses, such constable shall forfeit and pay, for every such offence, any sum not less than ten nor more than one hundred dollars, one-half for the use of the state, and the other for the use of the person who shall inform of and prove the buying aforesaid, to be recovered in any court

of record in the county of Philadelphia; and on conviction as aforesaid the said constable shall be disqualified from holding said office for and during the term for which he shall have been appointed.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That so much of the act, entitled, "A supplement of the act, entitled, 'An act to extend the powers of the justices of the peace in this state,' " passed the thirteenth day of February, in the year of our Lord one thousand seven hundred and ninety-six,¹ as relates to the election and appointment of an high constable for the district of Southwark, be, and the same is hereby, repealed.

• Passed March 7, 1799. Recorded L. B. No. 6, p. 351.

CHAPTER MMXXV.

AN ACT AUTHORIZING THE CONTINUANCE OF THE SITTING OF THE COURT OF GENERAL QUARTER SESSIONS OF THE PEACE OF THE COUNTY OF PHILADELPHIA, BEYOND THE FOUR DAYS, TO WHICH THEY ARE AT PRESENT RESTRICTED.

Whereas the time heretofore limited for the holding of the court of general quarter sessions of the peace for the county of Philadelphia has ben found, on experience, to be insufficient for completing the business thereof: Therefore,

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, the justices of the county court of general quarter sessions of the peace for the county of Philadelphia shall, and they are hereby enjoined and required to continue the present, and every future session of the said court, for so many days as they shall deem necessary to finish the business thereof, and to hold

¹Chapter 1872.

the same by adjournment, as often as occasion shall, in their opinion, require it, anything to the contrary hereof in any former acts of the general assembly notwithstanding.

Passed March 7, 1799. Recorded L. B. No. 6, p. 352.

CHAPTER MMXXVI.

AN ACT AUTHORIZING BENJAMIN HERR, HIS HEIRS AND ASSIGNS, TO ERECT AND MAINTAIN A MILL-DAM AND WING-DAM IN THE ALLEGHENY RIVER, IN THE COUNTY OF ALLEGHENY.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That Benjamin Herr, his heirs and assigns, be, and they are hereby, authorized and empowered to erect a mill-dam in the Allegheny river, from Wilson's Island to his own land, on the north-west side of said river, and also a wing-dam from the head of said island, and to keep the same in good repair forever, and also to lead off thereby, on his own land, so much of the water of said river as may be found necessary for the purpose of supplying such water works as may be thereon erected. Provided always, That the said Benjamin Herr, his heirs and assigns, in erecting the said dams, or in keeping the same in repair agreeably to the directors of this act, shall not thereby injure the rights of individuals, or in any degree impede the navigation of said river.

Passed March 8, 1799. Recorded L. B. No. 6, p. 353.

CHAPTER MMXXVII.

AN ACT IN FAVOR OF JOHN HAZLEWOOD.

Whereas it appears that the accounts of John Hazelwood, one of the commissioners of purchases appointed by the late supreme executive council, for supplying the continental army with provisions and forage, in the year one thousand seven hundred and eighty-one, were settled in the comptroller's office, and he was allowed one hundred and thirty-two pounds, which he had paid to three assistants employed in that service, and in the year one thousand seven hundred and eighty-four he was called upon, by the said comptroller, to refund the said sum of one hundred and thirty-two pounds, which had been allowed for said assistants, and the money was accordingly refunded by him, for which he has not received any compensation. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor be, and he is hereby, authorized to draw a warrant on the treasurer of this commonwealth, in favor of the said Hazelwood, for the sum of six hundred and sixty-five dollars and twenty-eight cents, to be paid out of the funds appropriated for the support of government.

Passed March 8, 1799. Recorded L. B. No. 6, p. 355.

CHAPTER MMXXVIII.

AN ACT TO ESTABLISH A FERRY OVER THE RIVER SUSQUEHANNA, AT OR NEAR THE MOUTH OF JUNIATA, AND TO VEST THE RIGHT THEREOF IN MATTHIAS FLAM AND DAVID WATTS, THEIR HEIRS AND ASSIGNS.

Whereas Matthias Flam and David Watts have set forth, in their position to the legislature, that the said Matthias Flam is seized in fee of the lands on the east side of the river Susque-

hanna, opposite to the mouth of Juniata, and that the said David Watts is seized in fee of the lands on the west side of the river Susquehanna, at the mouth of Juniata, where the state road crosses the said river Susquehanna, and that they have established and maintained a ferry at the place aforesaid for a number of years. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful for Matthias Flam and David Watts, their heirs and assigns, to make, or cause to be made, at their proper costs and charges, good and convenient landings on both sides of the river Susquehanna, on the road laid out at the expense of the commonwealth, leading from Harrisburg, in the county of Dauphin, to Lewis-town, in the county of Mifflin, and shall, at all times hereafter, maintain and keep the same in good order and repair; and shall also provide and maintain good and sufficient boats, and careful ferrymen, who shall duly attend, for the purpose of transporting over the said river all passengers and travelers, their horses, carriages and cattle, as occasion may require, which ferry shall be subject to such rates and regulations as the court of quarter sessions of the county of Dauphin may order and direct. Provided always, That nothing in this act contained shall be construed to vest in the said Matthias Flam and David Watts, their heirs and assigns, any right to land any boat or boats upon any land belonging to any person or persons, without his, her or their consent first had and obtained.

Passed March 8, 1799. Recorded L. B. No. 6, p. 354.

CHAPTER MMXXIX.

AN ACT TO PROVIDE FOR THE PAYMENT OF TWENTY-NINE THOUSAND DOLLARS, BORROWED AND EXPENDED FOR THE USE OF THE INHABITANTS OF PHILADELPHIA AND ITS VICINITY, DURING THE PREVALENCE OF THE LATE MALIGNANT FEVER, AND ALSO FOR THE PAYMENT OF INTEREST THEREON.

Whereas certain benevolent and public spirited citizens of the commonwealth became bound for the repayment of twenty-nine thousand dollars, borrowed from the several banks and expended in the removal and support of the indigent inhabitants of the city of Philadelphia and its vicinity, during the prevalence of the late malignant fever. And whereas the legislature are willing, from principles of generosity and humanity, to relieve them from the payment thereof. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the governor, and he is hereby authorized, to borrow a sum not exceeding thirty-two thousand four hundred and eighty dollars, upon the credit of the revenue arising from vendues, which revenue he shall and may pledge, on such terms, and for such time and times, as may be necessary to obtain the said loan, and to secure the repayment thereof, and the proceeds of the said loan, as soon as the same is obtained, shall be paid into the treasury of the commonwealth, and be there held subject to the drafts of the governor, who is hereby authorized to make the same, for the purpose of paying the sum of twenty-nine thousand dollars, with the interest thereon, to the managers of the marine and city hospitals, or the board of health, as the case may be, to enable them to repay the sum borrowed of the several banks, and expended in the removal and support of the indigent inhabitants of the city of Philadelphia and its vicinity, during the prevalence of the late malignant fever.

CHAPTER MMXXX.

AN ACT FOR ALTERING THE PLACE OF HOLDING SPECIAL ELECTIONS FOR THE CITY OF PHILADELPHIA, AND THE TOWNSHIP OF BLOCKLEY AND KINGSSESSING, IN THE COUNTY OF PHILADELPHIA, WHEN THE LEGISLATURE SHALL BE IN SESSION.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the electors of the city of Philadelphia, and of the townships of Blockley and Kingsessing, shall, when the legislature shall be in session at the state house in the said city, hold their special elections at the city hall, at the corner of Fifth and Chestnut streets, in the said city, any law, custom or usage, to the contrary in anywise notwithstanding.

Passed March 20, 1799. Recorded L. B. No. 6, p. 357.

CHAPTER MMXXXI.

AN ACT FOR REVIVING SUITS, PROCESS AND PROCEEDINGS, WHICH HAVE BEEN DISCONTINUED IN THE COURTS OF GENERAL QUARTER SESSIONS OF THE PEACE AND COMMON PLEAS IN THE COUNTY OF MONTGOMERY.

Whereas from the indisposition of some of the judges, and other causes, the president and associate judges of the courts of general quarter sessions of the peace and common pleas for the county of Montgomery were prevented from opening and holding the said courts on the second Monday of February, in the year of our Lord one thousand seven hundred and ninety-nine,

which was by law the stated time for holding said courts. And whereas as doubts are entertained whether such failure of opening and holding said courts doth not operate as a discontinuance of all suits, process and proceedings pending therein. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That all suits, process and proceedings, which were pending in the courts of general quarter sessions of the peace and common pleas of the county of Montgomery, which by law ought to have been holden on the second Monday of February, in the year of our Lord one thousand seven hundred and ninety-nine, be, and they are hereby, revived, and the same proceedings may be had at the same courts in all suits and process aforesaid, and in all things relating to the same, as by law might have been had at the said courts, respectively, in which the same were pending, or to which the same were returnable.

Passed March 20, 1799. Recorded L. B. No. 6, p. 357.

CHAPTER MMXXXII.

AN ACT TO ENABLE THE JUSTICES OF THE SUPREME COURT TO HOLD CIRCUIT COURTS WITHIN THIS COMMONWEALTH.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That instead of the courts of *nisi prius*, as now held, a court, styled a circuit court, shall be held after the end of the next December term of the supreme court of this commonwealth, by the justices of the same court, or one or more of them, in the several counties of this commonwealth, except the county of Philadelphia, at such times and places as the said justices shall direct and appoint, having due regard to

1

the convenience of the people, and so as to interfere as little as may be with the courts of common pleas and courts of quarter sessions of the peace in the said several counties.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the said justices of the supreme court, sitting in banc, shall, at and during the next December term of the said supreme court, direct and appoint the several times and places of holding the said circuit courts in the succeeding spring or summer; and at and during their sitting in banc in March term following, direct and appoint the several times and places of holding the said circuit courts in the succeeding autumn or winter, and in like manner, at the several subsequent December and March terms, respectively, direct and appoint the times and places of holding the said several circuit courts, and shall forthwith cause publication to be made in two of the newspapers of the city of Philadelphia, of the several times and places of holding the said courts, respectively.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That, from and after the last day of the next December term of the said supreme court, the said justices at the circuit court shall have full power and authority, by virtue of this act, when and often as there shall be occasion, to allow and take cognizance of appeals to the said circuit courts from the register's and orphans' courts in the said several counties, except the county of Philadelphia, and to issue writs of *certiorari*, *habeas corpus*, and all other remedial and other writs and process, grantable by the said justices by virtue of their offices, excepting writs of error and *certiorari* after judgments, orders or decrees given or obtained, and have the same made returnable into the offices of the clerks of the said circuit courts in the said counties, respectively, to which the said writs and process shall be issued as aforesaid; and that each of the said circuit courts shall have a public seal, and all writs of *certiorari*, *habeas corpus*, and all other remedial and other writs and process, from the said several circuit courts shall, in the usual form, be made out and issued by the said clerk of [the] circuit courts in their respective counties, and sealed with the seal of such

court, and tested in the name of the chief justice or the judge presiding at and signed by the clerk of the same court; and that [the] third Mondays in March, first Mondays of September, and second Mondays in December, in every year after the last day of next December term as aforesaid, shall be general *teste* and return days in the said circuit courts, at which all writs and process shall be tested and made returnable into the offices of the clerks of the said several circuit courts, respectively, which said *teste* and return days shall be available in law in like manner, and have the same effect, to all intents and purposes, as if the said circuit courts had been by law appointed to be held and regularly opened on the said third Mondays in March, first Mondays in September, and second Mondays in December. And in order that writs and process may be issued out of the said circuit courts, respectively, immediately after the end of the said December term.

[Section IV.] It is hereby enacted, That the last day of same December term shall be [used] as the first *teste* day, and the third Monday in March following as the return day, of said circuit courts, with like effect and operation as the several *teste* and return days hereinbefore appointed are declared to have: Provided always nevertheless, That every day of the said circuit courts shall be good return days of process for summoning and obliging witnesses to appear and give testimony in said court, and summoning and enforcing the appearance of jurors to try issues therein, punishing contempts by attachments, and such other writs and process as the said justices shall deem necessary for the advancement of justice to be made returnable in the said circuit courts.

[Section V.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the judges of the supreme court, or any one or more of them, while holding any circuit court, shall have power to give judgment, pass decrees, and award execution, and, generally, have, use and exercise similar power in any cause or suit had before them, and in all cases wherein jurisdiction is given by this act, in as ample manner as if sitting in banc, and shall have power to try any capital or other criminal case which shall have been removed into the said circuit court, in the manner which now is, or hereafter may be,

directed by law, though not sitting as a court of oyer and terminer, upon any indictment which may have been found at any county court of oyer and terminer or sessions of the peace, and without any new indictment, and upon conviction of the crimes, misdemeanors, or offences, charged in any such indictment, may, at such court, proceed to pass sentence, assess fines, forfeit recognizances, and pronounce final judgment and award execution, as fully and amply as the supreme court now may or can do when sitting in banc; and upon the removal of any such indictments, in the manner directed by law, the same, with all the proceedings thereon, shall be transmitted and filed with the clerk of the circuit court, as in civil cases, that the said judges at their next circuit court may proceed thereon. Provided always, That if either of the parties to any suit removed from the common pleas, the register's or orphans' court, shall be dissatisfied with the judgment or decision of the said circuit courts, on any demurrer, special verdict, case stated, point reserved for the consideration of the court on the trial, motion in arrest of judgment, or for new trial, or to set aside a judgment, discontinuance, or *non pros*, that then, and in such case, the party so dissatisfied with the judgment of the said circuit court, and appealing from the same to the said supreme court, shall obtain from the clerk of the circuit court of the respective county, a record of all the proceedings, and file the same with the prothonotary of the supreme court before the next term, and in failure thereof, judgment shall be confirmed and execution awarded, in the same manner as if such appeal had not been made; but no such appeal shall be available, unless the counsel for the said appellant shall state in writing his reasons for said appeal, and subscribe his name to the same, certifying his belief that the same are sufficient in law to obtain a decision in favor of his client, and are not made for the purpose of delay; and after hearing and determination in the said supreme court, in any of the cases aforesaid, the said supreme court shall order the records aforesaid, with the decision and determination thereon written and duly certified, to be remitted to the said circuit courts, respectively, on payment of the fees incurred in the said supreme court, and

the same decision and determination shall be duly carried into execution and effect by the said several circuit courts.

[Section VI.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the record itself, and not barely a transcript thereof, shall be hereafter removed, by writ of *habeas corpus cum causa*, in like manner as the same might be removable by writ of *certiorari*, and that as well in the supreme court as in the circuit courts aforesaid; but no writ of removal shall be allowable after the cause is one term at issue below, but the pleadings of the same may be altered or amended, according to such rules and regulations as are now in force in the supreme court, or as the judges of the said court may hereafter make, for the purpose of carrying this act into execution.

[Section VII.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That all recognizances of special bail, or other recognizances, together with the writs, pleadings, rules, docket entires and records, and also all recognizances to answer to any criminal charge, or to give evidence, shall be removed and sent up by virtue of the said writs of *certiorari* or *habeas corpus*, and shall be sued or prosecuted upon, and be of the same force and effect, when removed into the said circuit court for the respective county, as the same might or could have been in the courts to which the said writs of *certiorari* or *habeas corpus* were directed, and that all appearances and commitments to the sheriff's custody of the person of the party in the said courts, to which the said writs of *certiorari* shall be directed and issued as aforesaid, shall be considered as operating in the said circuit courts, in the same manner as if such commitments had been by the said circuit courts.

[Section VIII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the prothonotaries of the several courts of common pleas in this state, except in the county of Philadelphia, shall perform the duties of clerks of the said several circuit courts in their respective counties, and shall have like powers in and for their respective counties to take bail, administer oaths and affirmations in conducting the said busi-

ness, to enter confessions of judgment, and, in general, to do any other act or thing as clerk of their said circuit courts as the prothonotary of the said supreme court may or can do by virtue of his office; and whenever the judges of the supreme court shall hold any court of oyer and terminer and general gaol delivery in any county of this commonwealth, the said prothonotaries of the courts of common pleas shall be clerks of oyer and terminer, held by the justices of the supreme court in their respective counties, by virtue of their offices aforesaid.

[Section IX.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the clerks, attorneys, sheriffs, criers and other officers of the said circuit courts, and the jurors and witnesses attending the same, shall be entitled to receive the like emoluments, fees and compensations, for their services, as the like officers and persons attending the courts where the said suits originated are now entitled to for similar services.

[Section X.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the justices of the said circuit courts may appoint proper persons to take the depositions of witnesses in said courts, on oath or affirmation, and to reduce their testimony to writing, agreeably to rules to be made by the said courts for that purpose, also in cases where the said courts are by law authorized to determine on facts, to examine into the same, and make report to the said courts, for which they shall be entitled to a reasonable compensation, to be allowed by the said courts.

[Section XI.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That when any lands, tenements or hereditaments, happen to be sold by virtue of any testatum executions, or other writs grounded thereon, issued either by the said supreme or circuit courts, it shall and may be lawful for the sheriff who sells the same, to acknowledge the same before the justices of the said circuit courts, in the county where the lands lie or are situated, or in the courts whence the executions respectively issued, but not elsewhere, any law to the contrary thereof in anywise notwithstanding.

[Section XII.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the prothonotary of the supreme court, between the next December term and the March term following, be, and he is hereby, empowered and directed to purchase dockets for each of the said circuit courts, and to employ a clerk, under his direction, to make out a docket for each of the said circuit courts, containing a statement of all actions then pending and undetermined in the said supreme court, (excepting writs of error and other cases remaining before the said supreme court for their decision in matters of law) and that the said prothonotary shall have the said circuit court dockets, together with the records, declarations, and other papers respecting the said actions and suits, then pending and undetermined as aforesaid, ready to be delivered to the respective clerks of the said circuit courts, by the first day of the said March term; and the said actions and suits, pending and undetermined as aforesaid, and transferred as aforesaid by the prothonotary of the supreme court to the circuit court docket, shall be considered as depending in the said circuit courts, respectively, from the expiration of the said next December term, and proceeded on in like manner with respect to the demands, and also the fees incurred in the supreme court, as if the same had been originally commenced in the said circuit courts; the price paid for the said circuit court dockets, and the wages of the clerk employed as aforesaid, to be repaid to the prothonotary of the said supreme court by the said clerks of the said circuit courts, respectively, and reimbursed by their respective counties.

[Section XIII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That in all actions or suits in the said supreme court, where judgments shall have been rendered, or decrees passed, before or during the said December term next, and in all cases then depending before the said supreme court for their decision [on] law points, the records, dockets, declarations, and other papers respecting the same, shall be and remain in the custody of the prothonotary of the supreme court, and be proceeded on in the said supreme court by execution, or otherwise, as to justice shall appertain; and nothing contained in this act shall be construed to prevent the said jus-

tices from holding courts of *nisi prius*, and doing other business for the county of Philadelphia, as fully, to all intents and purposes, as if this act had not been made; but their power of sustaining appeals directly to the said supreme court from the orphans' or register's courts, or of issuing writs of *certiorari*, or *habeas corpus cum causa*, to the courts in any other counties, except the county of Philadelphia, returnable into the said supreme court, shall, after the end of the said December term next be wholly superseded.

[Section XIV.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the justices of the supreme court, or a majority of them, from time to time, as occasion shall require, may establish and declare what rules for the better conducting and expediting the business of the said circuit courts shall be considered as of course, and what rules are discretionary, according to the circumstances of the case, and grantable only on motion; and the several attorneys shall have the power of directing the prothonotaries of the several circuit courts to enter on their dockets such rules as shall be of course, according to the said regulations, without any application to the court for that purpose; and that the justices of the said supreme court, either in banc at Philadelphia, or at the said circuit courts, respectively, shall, on application made to them, have full power to enforce the due execution and returns of writs and process, and make and enforce such rules and orders respecting the said actions or suits, which shall be depending in the said several circuit courts, as they shall see fit; and a certificate of the prothonotary of the said supreme court, under seal, of the same rules and orders, shall be filed and entered on the dockets of the said several circuit courts, and have the same validity and effect, as if made in the said circuit courts respectively.

[Section XV.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That, from and after the last day of December term next, no judgment rendered, either in the said supreme court or any of the said circuit courts, shall be a lien on real estates, excepting in the county in which such judgment shall be rendered, and that every *testatum* execution shall be a lien upon lands and tenements, only from the time of the

delivery thereof to the sheriff, who is directed to endorse the precise time of receiving the same, and shall certify forthwith a transcript thereof, together with the day and time of such *testatum* execution coming to his hands, in and to the office of the clerk of the circuit court for the county wherein such lands and tenements shall be, unless the same lands shall be in the county of Philadelphia, in which case such transcript shall be returned into the office of the prothonotary of the supreme court, and shall also make the return of the said writ and endorsement to the office of the court from whence the writ issues.

Passed March 20, 1799. Recorded L. B. No. 6, p. 358.

CHAPTER MMXXXIII.

AN ACT TO CONTINUE AN ACT, ENTITLED, "AN ACT TO REVIVE THE INCORPORATION OF THE SUBSCRIBERS TO THE BANK OF NORTH AMERICA."

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the act, entitled, "An act to revive the incorporation of the subscribers to the bank of North America," passed the seventeenth day of March, in the year of our Lord one thousand seven hundred and eighty-seven¹ be continued in full force and virtue, in all its parts, for the term of fourteen years from and after the seventeenth day of March, one thousand eight hundred and one, as fully and effectually as if this present period of its extension were a part of the act above recited, and from thence until the end of the sessions of the general assembly of Pennsylvania thence next following.

Passed March 20, 1799. Recorded L. B. No. 6, p. 356.

¹Chapter 1278.

CHAPTER MMXXXIV.

AN ACT FOR THE RELIEF OF JESSE RANKIN.

Whereas it hath been represented to the legislature by Jesse Rankin, who performed a tour of duty under Colonel Crawford, on the Sandusky expedition, that for his services on that expedition he obtained a certificate of the funded debt of this state, number eight hundred and forty, for the sum of five pounds five shillings, and that it has since been accidentally destroyed by fire. And whereas it appears that such certificate has been issued not redeemed. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That upon sufficient security being given, for the use of this state, to the secretary of the commonwealth, and approved by the governor, to indemnify the state against the certificate of funded debt, number eight hundred and forty, issued to the said Jesse Rankin, for the sum of five pounds five shillings, for his pay as a soldier under Colonel Crawford, on the Sandusky expedition, and the same being duly certified to the comptroller-general, the said comptroller and the register-general shall settle the interest due on the said certificate up to the first day of July, one thousand seven hundred and ninety-two, and certify to the governor the amount of such interest, with the principal sum for which the said certificate was issued, whereupon the governor shall, under the same limitations and restrictions as are contained in the act, entitled, "An act to provide for the settlement of public accounts, and for other purposes therein mentioned," passed the fourth day of April, one thousand seven hundred and ninety-two,¹ draw his warrant upon the state treasurer for the amount of principal and interest so as aforesaid certified, who is hereby authorized and required to pay the same, out of the funds appropriated for the support of government.

CHAPTER MMXXXV.

AN ACT TO VEST IN THE HEIRS OF WILLIAM RANKIN, DECEASED, SUCH PART OF HIS FORFEITED ESTATE, AS HATH NOT BEEN SOLD FOR THE USE OF THIS COMMONWEALTH.

Whereas it has been represented to the legislature that a small portion of the estate of William Rankin, deceased, forfeited by his attainder, has never been sold or seized on behalf of the commonwealth, and William Webb has prayed that the same may be vested in the heirs of the said William Rankin. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That all right, title and interest, property, claim and demand, whatsoever, which the commonwealth has in, to and out of such parts of the estate, real and personal, of the said William Rankin, forfeited by his attainder aforesaid, as hath not been heretofore seized, sold, aliened, or otherwise disposed of, by and on account of the public, shall be, and the same is hereby, granted, conveyed, assigned and set over, unto the heirs, executors, administrators and assigns of the said William Rankin, forever, as if the attainder of said William Rankin had not taken place.

Passed March 28, 1799. Recorded L. B. No. 6, p. 365.

Chapter 1627.

CHAPTER MMXXXVI.

AN ACT TO INDEMNIFY GENERAL WILLIAM IRWINE FOR THE LOSS OF MONTOUR'S ISLAND, RECOVERED FROM HIM BY A JUDGMENT OF THE SUPREME COURT OF THE UNITED STATES.

Whereas the legislature of this state, by an act passed on the twenty-fourth day of September, one thousand seven hundred and eighty-three,¹ granted unto Brigadier-General William Irwine, in consideration of essential services rendered to this state, the right of pre-emption to an island known by [the name of] Montour's island, in the Ohio river, upon the terms expressed in the said act, which were fully complied with, in consequence whereof a patent was duly obtained by him. And whereas the said island has since been claimed by Colonel Charles Syms, under a warrant and location previously issued and sanctioned by the laws of Virginia, upon which an ejectment was brought, and a judgment was rendered in his favor at the last sitting of the supreme court of the United States, whereby the said William Irwine has been divested of his right and title to the said island. And whereas it is just and reasonable that an adequate indemnification be made to him for the loss which he has sustained. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That in lieu of the said island, which was recovered from General William Irwin as aforesaid, there be granted unto the said General William Irwine, in fee simple, two thousand acres of land, situate at the mouth of Harbor creek in Allegheny county, being a tract of land reserved to the state by a former law of this Commonwealth.

Passed March 28, 1799. Recorded L. B. No. 6, p. 364.

¹Chapter 1045.

CHAPTER MMXXXVII.

AN ACT TO PROVIDE FOR REIMBURSING THE EXPENSES OF THE SHERIFF OF THE CITY AND COUNTY OF PHILADELPHIA, IN REMOVING HIS PRISONERS FROM THE DEBTOR'S APARTMENT TO THE COUNTY OF MONTGOMERY, DURING THE PREVALENCE OF THE LATE CONTAGIOUS FEVER.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the commissioners of the city and county of Philadelphia are hereby authorized and required to audit, settle and adjust the accounts and vouchers of the sheriff of the city and county of Philadelphia, relating to his disbursements and expenses in removing the prisoners within his custody, in the debtors' department, to the county gaol of Montgomery, as a place of refuge from the late contagious fever that afflicted the city of Philadelphia and its vicinity, in the summer and fall of the year of our Lord one thousand seven hundred and ninety-eight, and returning the same, when the contagious fever had abated; and upon the auditing and adjusting of the same, to draw an order on the treasurer of the city and county of Philadelphia for the amount thereof, to be paid out of the stock of the said city and county of Philadelphia.

Passed March 28, 1799. Recorded L. B. No. 6, p. 371, etc.

CHAPTER MMXXXVIII.

A SUPPLEMENT TO AN ACT, ENTITLED, "AN ACT TO REGULATE HAWKERS AND PEDDLERS."

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by

¹Passed March 30, 1784, Chapter 1090.

the authority of the same, That, from and after the passing of this act, no person shall be licensed as a hawker, peddler, or petty chapman, within this state, but such only who is a citizen of the United States, and who, from age, loss of limb, or other bodily infirmity, shall be disabled from procuring a livelihood by labor, which disability shall be proven by certificate or certificates from one or more physicians of respectable character.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That if any person, not being licensed aforesaid, (except such whose licenses may not yet be expired) shall be found hawking, peddling, or traveling from place to place, through any part of this state, to sell or expose for sale, any foreign goods, wares, or merchandises, every person so offending against this act shall be liable to a fine of fifty dollars, or, being so qualified, shall refuse, upon the request of any citizen of this state, to show his license, every person so offending shall be liable to a fine of twenty dollars; or if any person having a license shall lend or otherwise dispose of the same to any other person, the person so lending, and the person so receiving the same, shall be liable to a fine of fifty dollars, respectively, which fines shall be recovered and applied, as by the act to which this is a supplement is directed and provided.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That no person, licensed for the purpose aforesaid, shall be permitted to sell, vend, or expose for sale, any foreign goods, wares, or merchandise, in any private or public house, or in any of the open streets, lanes or alleys, or in any other part or place of the city of Philadelphia, the district of Southwark, or the townships of the Northern Liberties, Moyamensing or Passyunk, or any of the corporate or county towns of this state, under the penalty of fifty dollars, to be recovered and applied as before mentioned.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That so much of the act, to which this is a supplement, as is hereby altered or amended, be, and the same is hereby, repealed.

CHAPTER MMXXXIX.

AN ACT EMPOWERING CERTAIN TRUSTEES THEREIN NAMED TO SELL AND DISPOSE OF PART OF A CERTAIN TRACT OF LAND, SITUATE IN HELLAM TOWNSHIP, IN THE COUNTY OF YORK, AND STATE OF PENNSYLVANIA, AND TO APPROPRIATE THE MONEYS ARISING FROM SUCH SALE FOR THE PURPOSES THEREIN MENTIONED.

Whereas it appears to the legislature, that there is granted to Martin Gartner and Jacob Weltzhoover, senior, in trust for the joint use of the German Lutheran and Reformed Congregations of Creutz Church, of Hellam township, by a warrant dated the twenty-ninth day of January, one thousand seven hundred and ninety-nine, fifty-seven acres of land, including an improvement, adjoining lands of Henry Schultzbach, John Kaufman and Henry Kending, in Hellam township. And whereas the said congregations have, by their petition, prayed the legislature to vest the power by law in the said trustees, of selling and conveying such part of said lands, as will be necessary to pay the debts of the said congregations, which they have contracted in erecting a house of worship and school-house on said premises. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful to and for Martin Gartner and Jacob Weltzhoover, senior, or the survivor of them, to sell and convey, at private or public sale, for the best and highest price that can be got, such part as they shall think necessary of a certain tract of land, lying and being in Hellam township, in the county of York, and state of Pennsylvania, granted to the said Martin Gartner and Jacob Weltzhoover, in trust and for the joint use of the Lutheran and Reformed Congregations of Creutz Church, of Hellam township, by a warrant dated on the twenty-ninth day of January, one thous-

and seven hundred and ninety-nine, containing fifty-seven acres, adjoining Henry Shultzbach, John Kaufman and Henry Kending, and to give and make sufficient and lawful assurance and conveyance for the same to the purchaser or purchasers, their heirs and assigns forever, and to apply the moneys arising from such sale for the exclusive purpose of paying the debts contracted by said congregations, in erecting a house of worship and schoolhouse on the said premises. Provided always, That the part so sold by the said trustees shall not exceed fifteen acres, nor include the spring, nor any of the buildings now erected.

Passed March 28, 1799. Recorded L. B. No. 6, p. 369, etc.

CHAPTER MMXL.

AN ACT TO APPROPRIATE A SUM OF MONEY, TO BE APPLIED IN COMPLETING THREE BRIDGES IN BEDFORD COUNTY, AND FOR OTHER PURPOSES.

Whereas it has been represented to the legislature of this commonwealth, that three bridges have been in part erected in the county of Bedford, over waters that are impassable nearly three months in the year; that the commissioners of said county have at sundry times levied and collected taxes to a considerable amount for that purpose, and, notwithstanding the prudent application thereof, the bridges and causeways from said bridges remain unfinished, to the great disadvantage of the public, and as the inhabitants of said county, from its mountainous situation, are thinly settled, it does not appear practicable that money can be raised in a reasonable time to complete said bridges and causeways. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor of this commonwealth be, and he is hereby, authorized and required to issue his

warrant on the treasury of the county of Bedford, in favor of the commissioners of the said county, for the sum of four thousand dollars, which sum the said treasurer shall pay out of any moneys he may receive in satisfaction of debts due by the said county to the loan office of one thousand seven hundred and ninety-three, and out of any moneys he may receive for or on account of arrearages of taxes due by the said county to this commonwealth, and for the aforesaid sum of four thousand dollars, or so much thereof as he may actually pay to the said commissioners in virtue of this act, the said treasurer shall have credit on the books of the comptroller-general of this commonwealth, on his producing the receipts of the said commissioners.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the commissioners of the county of Bedford, or a majority of them, are hereby required to lay out or apply so much of the money herein granted, as may be expedient in completing said bridges and causeways, and the remainder in repairing the state road through the said county, and their accounts, as in other cases, shall be subject to examination, adjustment and settlement by the auditors appointed by the court of said county.

Passed March 28, 1799. Recorded L. B. No. 6, p. 367, etc.

CHAPTER MMXLI.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF MONTGOMERY COUNTY, AND THEIR SUCCESSORS IN OFFICE, TO RAISE MONEY, BY TOLL, FOR COMPLETING A BRIDGE OVER THE PERKIOMEN CREEK, ON THE ROAD LEADING FROM PHILADELPHIA TO READING.

Whereas it hath been represented to the legislature, that the means heretofore provided for the erection of a stone arch bridge over the Perkiomen creek, in the county of Montgomery, on the road leading from Philadelphia to the borough of Reading, have proved insufficient for the completion of the said bridge, and it is thought an object of public concern that the

same should be speedily finished, and that adequate provision should be made for that purpose. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall be lawful for the commissioners of the county of Montgomery, for the time being, and their successors in office, to demand and receive, from travelers and others, toll for passing through the gate or gates, hereinafter authorized to be erected across the said road, near the bridge over the Perkiomen creek, in the said county of Montgomery; on the road leading from Philadelphia to the borough of Reading, and to stop any person from passing through the said gate or gates, until they shall respectively have paid the same, according to the following rates, viz; For every score of sheep, ten cents; for every score of hogs, ten cents; for every score of cattle, twenty cents; and so in proportion for any greater or lesser number; for every foot passenger, two cents; for every horse or mule, four cents; for every sulkey, chair or chaise, with one horse and two wheels, twelve and an half cents; for every chariot, coach, phaeton or chaise, with two horses and four wheels, twenty-five cents; for either of the last mentioned carriages, with four horses, thirty-seven and an half cents; for every carriage of pleasure, under whatever name, the like sum, according to the number of wheels and of the horses drawing the same; for every stage coach with two horses, twenty cents; for every such wagon with four horses, thirty cents; for every sleigh, six and a quarter cents for every horse drawing the same; for every sled, five cents for every horse drawing the same; and for every wagon or cart, six and a quarter cents for every horse drawing the same; and in all cases, two oxen shall be estimated equal to one horse. Provided always nevertheless, That nothing in this act contained shall be construed to prevent the said commissioners from contracting with any person or persons, desirous of using the said bridge, for an annual sum, in lieu of the toll hereinbefore mentioned.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That to facilitate the collection of the said toll, it shall and may be lawful for the said commissioners to erect one or more gates, near or contiguous to the said bridge, and to alter or remove the same, as occasion may require; and also to appoint such and so many persons as they may think proper to attend the said gate or gates, and receive toll from travelers and others, according to the rates aforesaid.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That if any toll-gatherer shall demand or receive any other or greater rates or prices for passage over the said bridge, than are hereinbefore specified, the person so offending shall, for every such offence, forfeit and pay the sum of twenty dollars, one moiety to the commissioners aforesaid, towards defraying the expenses of the said bridge, and the other moiety to the party complaining, or who may sue for the same, to be recovered before any justice of the peace of the said county, who is hereby empowered, on information made to him, on oath or affirmation, of any such offence, to issue his summons or warrant to any constable of the county, commanding him to bring, or cause every person against whom such information shall be made to come before him; and on due proof of such offence, to convict such person thereof, and to issue his warrant to any such constable to levy the said sum of money on the goods and chattels of the offender, by distress and sale thereof; and in case no goods or chattels of the offender can be found, on which to make such distress, then to take his body and commit him to the gaol of the aforesaid county, until the said sum be paid. Provided always, That any person so convicted, who shall find himself aggrieved thereby, may, within ten days after such conviction, appeal to the next court of quarter sessions of the county, which appeal, on giving security before the said justice, by one or more sufficient sureties, in a penalty not less than double the sum sued for, to pay all costs, shall be allowed; and if the conviction so made by the said justice shall be confirmed, the said justice shall proceed to levy the said forfeiture, in the

manner hereinbefore directed. And provided also, That no suit or action shall be brought after twenty days from the time when the offence was committed.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners shall have power to make such allowance to the persons employed in the collection of toll, or rendering other services in pursuance of this act, as they may deem reasonable; and each commissioner shall have and receive for his personal services one dollar and sixty-seven cents *per day*, for every day during which he shall be actually engaged in discharging the duties enjoined by this act, all which shall be paid out of the receipts of toll arising from the said bridge.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That it shall be lawful for the said commissioners, if they shall deem the same expedient, to borrow money towards completing the aforesaid bridge, paying therefor an interest not exceeding the rate prescribed by law, and by suitable instruments of writing, which they are hereby authorized to execute, to pledge the tolls of the said bridge for the repayment thereof. Provided nevertheless, That the collection and receipt of the said toll shall continue to be transacted by the said commissioners.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That no such tolls shall be demanded, after the expiration of five years from and after the fixing of said gates across said road, and from and after the expiration of said term, the passage over said bridge shall be free to all persons crossing the same, anything hereinbefore contained to the contrary notwithstanding.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the said commissioners to keep and preserve a just and true account of all their receipts and expenditures of the moneys, which shall come to their hands by virtue of the provisions of this act, and they shall annually, at the time appointed by law for the settlement of their accounts as county commissioners, furnish a statement of their said receipts and expenditures, ac-

accompanied by proper vouchers, to the persons who shall be appointed to settle their said accounts as county commissioners, who shall in like manner, examine, settle and adjust the same; and it shall be the duty of the persons so appointed to settle the said accounts to lay a copy of the same, annually, before the court of quarter sessions of the peace of the county aforesaid; and whenever it shall appear to the satisfaction of the said court, that a sum has been raised, which, in addition to the means heretofore provided, is sufficient to defray the expenses of completing the said bridge, and paying the charges which shall have been incurred in the collection of toll before the aforesaid period, the said court shall make an order declaring the said bridge to be free, and no toll whatever shall thereafter be received for passing over the said bridge.

Passed March 28, 1799. Recorded L. B. No. 6, p. 336, etc.

CHAPTER MMXLII.

AN ACT FOR INCORPORATING THE TRUSTEES OF THE MINISTERS AND ELDERS, CONSTITUTING THE GENERAL ASSEMBLY OF THE PRESBYTERIAN CHURCH IN THE UNITED STATES OF AMERICA.

Whereas the ministers and elders forming the general assembly of the Presbyterian church of the United States of America, consisting of citizens of the state of Pennsylvania, and of others of the United States of America aforesaid, have, by their petition, represented that by donations, bequests or otherwise, of charitably disposed persons, they are possessed of moneys for benevolent and pious purposes, and the said ministers and elders have reason to expect farther contributions for similar uses, but from the scattered situation of the said ministers and elders, and other causes, the said ministers and elders find it extremely difficult to manage the said funds, in the way best calculated to answer the intention of the donors. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That John Rogers, Alexander M'Whorter, Samuel Stanhope Smith, Ashbel Green, William M. Tenant, Patrick Allison, Nathan Irwin, Joseph Clark, Andrew Hunter, Jared Ingersoll, Robert Ralston, Jonathan B. Smith, Andrew Bayard, Elias Boudinot, John Nelson, Ebenezer Hazard, David Jackson and Robert Smith, merchant, and their successors, duly elected and appointed in manner as is hereinafter directed, be, and they are hereby, made, declared and constituted a corporation, and body politic and corporate, in law and in fact, to have continuance forever, by the name, style and title of "Trustees of the General Assembly of the Presbyterian church in the United States of America," and by the name, style and title aforesaid, shall, forever hereafter, be persons able and capable in law, as well to take, receive and hold all and all manner of lands, tenements, rents, annuities, franchises and other hereditaments, which at any time or times heretofore have been granted, bargained, sold, enfeoffed, released, devised, or otherwise conveyed to the said ministers and elders of the general assembly of the Presbyterian church of the United States, or any other person or persons, to their use, or in trust for them, and the same lands, tenements, rents, annuities, liberties, franchises and other hereditaments are hereby vested and established in the said corporation, and their successors, forever, according to the original use and intent for which such devises, gifts and grants were respectively made; and the said corporation, and their successors, are hereby declared to be seized and possessed of such estate and estates therein, as in and by the respective grants, bargains, sales, enfeoffments, releases, devises and other conveyances thereof, is or are declared, limited and expressed; also, that the said corporation, and their successors, at all times hereafter, shall be capable and able to purchase, have, receive, take, hold and enjoy, in fee simple, or of lesser estate, any lands, tenements, rents, annuities, franchises and other hereditaments, by the gift, grant, bargain, sale, alienation, enfeoffment, release, confirmation or devise of any person or persons,

bodies politic and corporate, capable and able to make the same; and further, that the said ministers and elders, under the corporate name aforesaid, and their successors, may take and receive any sum or sums of money, and any portion of goods and chattels, that have been given to the said ministers and elders, or that hereafter shall be given, sold, leased or bequeathed to the said corporation, by any person or persons, bodies politic or corporate, that is able or capable to make a gift, sale, bequest or other disposal of the same; such money, goods or chattels to be laid out and disposed of, for the use and benefit of the aforesaid corporation, agreeably to the intention of the donors, and according to the objects, articles and conditions of this act.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That no misnomer of the said corporation and their successors shall defeat or annul any gift, grant, devise or bequest, to or from the said corporation, Provided the intent of the party or parties shall sufficiently appear upon the face of the gift, will, grant or other writing, whereby any estate or interest was intended to pass to or from the said corporation.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the said corporation, and their successors, shall have full power and authority to make, have and use one common seal, with such device and inscription as they shall think fit and proper, and the same to break, alter and renew at their pleasure.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said corporation, and their successors, by the name, style and title aforesaid, shall be able and capable in law to sue and be sued, plead and be impleaded, in any court, or before any judge or justice, in all and all manner of suits, complaints, pleas, matters and demands, of whatsoever nature, kind and form they may be, and all and every matter and thing to do, in as full and effectual a manner as any other person, bodies politic or corporate, within this commonwealth, may or can do.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the said corporations, and their successors, shall be, and hereby are, authorized and empowered to make, ordain and establish by-laws and ordinances, and do everything incident and needful for the support and due government of the said corporation, and managing the funds and revenues thereof; Provided the said by-laws be not repugnant to the constitution and laws of the United States, to the constitution and laws of this commonwealth, or to this act.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the said corporation shall not at any time consist of more than eighteen persons, whereof the said general assembly may, at their direction, as often as they shall hold their sessions in the state of Pennsylvania, change one-third, in such manner as to the said general assembly shall seem proper, and the corporation aforesaid shall have power and authority to manage and dispose of all moneys, goods, chattels, lands, tenements and hereditaments, and other estate whatsoever committed to their care and trust by the said general assembly; but in cases where special instructions for the management and disposal thereof shall be given by the said general assembly in writing, under the hand of their clerk, it shall be the duty of the said corporation to act according to such instructions, Provided the said instructions shall not be repugnant to the constitution and laws of the United States, or of the constitution and laws of this commonwealth, or the provisions and restrictions in this act contained.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That six members of this corporation, whereof the president, or in his absence, the vice-president, to be one, shall be a sufficient number to transact the business thereof, and to make by-laws, rules and regulations, provided that previous to any meeting of the board or corporation for such purposes, not appointed by adjournment, ten days' notice shall be previously given thereof, in at least one of the newspapers printed in the city of Philadelphia. And the said corporation shall and may, as often as they shall see proper, and according to the rules by them to be prescribed, choose, out of their numbers, a president and vice-president, and shall

have authority to appoint a treasurer, and such other officers and servants as shall by them, the said corporation, be deemed necessary, to which officers the said corporation may assign such a compensation, for their services and such duties to be performed by them, to continue in office for such time, and to be succeeded by others in such way and manner, as the said corporation shall direct.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That all questions before the said corporation shall be decided by a plurality of votes, whereof each member present shall have one, except the president, or vice-president when acting as president, who shall have only the casting voice and vote, in case of an equality in the votes of the other members.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the said corporation shall keep regular and fair entries of their proceedings, and just account of their receipts and disbursements, in a book or books to be provided for that purpose; and their treasurer shall, once in every year, exhibit to the general assembly of the Presbyterian church in the United States of America, an exact state of the accounts of the corporation.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the said corporation may take, receive, purchase, possess and enjoy messuages, houses, lands, tenements, rents, annuities and other hereditaments, real and personal estate, of any amount not exceeding ten thousand dollars yearly value, but the said limitations not to be considered as including the annual collections and voluntary contributions made in the churches, under the care of the said general assembly.

•
CHAPTER MMXLIII.

AN ACT TO ENABLE THOMAS JONES AND PETER FILBERT, OF THE COUNTY OF BERKS, OR THE SURVIVOR OF THEM, TO CONVEY AND ASSURE THE LOTS OF GROUND THEREIN MENTIONED.

Whereas a Baptist church was established on the nineteenth day of August, in the year one thousand seven hundred and thirty-eight, in the township of Cumru (now in the county of Berks, but which then made part of Lancaster county) which church united itself the same year to the Baptist association of Philadelphia; that the said church became possessed, by purchase, of two several lots or pieces of ground, situate in the aforesaid township, one containing four acres, and the other one acre and fifty-six perches, on each of which lots there was erected a meeting-house for public worship. And whereas, by deaths and removals, the members of the said church have been reduced to a single individual, Thomas Jones, who has, by petition to the legislature of Pennsylvania, prayed to be enabled by law to sell and convey the lots aforesaid (except such parts thereof as are occupied as burying-ground) and vest the moneys arising from such sale in the funds of "The Trustees of the Baptist Association of Philadelphia," to be appropriated by said association as other moneys belonging to it appropriated. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That Thomas Jones and Peter Filbert, of the county of Berks, or the survivor of them, be, and they are hereby, constituted and appointed commissioners, with full authority and power to sell, and by deed or deeds, under their hands and seals, to convey and assure the lots of ground hereinbefore described, with the appurtenances (except such parts thereof as are occupied as burying-grounds) and vest the moneys arising

from such sale in the funds of "The Trustees of the Baptist Association of Philadelphia," whose acquittance, under their common seal, shall be a sufficient discharge to the said commissioners. Provided always, That nothing herein contained shall be deemed or construed to bar or defeat any other person or persons, bodies politic or corporate, of any right, title, interest, claim or demand, which they may have in or to the said lots of ground, or any part thereof.

Passed March 28, 1799. Recorded L. B. No. 6, p. 368, etc.

CHAPTER MMXLIV.

AN ACT TO INCORPORATE THE TOWN OF WEST CHESTER, IN THE COUNTY OF CHESTER, INTO A BOROUGH.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the town of West Chester, in the county of Chester, shall be, and the same is hereby, erected into a borough, which shall be called the borough of West Chester, and shall be comprised within the boundaries following, viz: Beginning at the line which divides the townships of East Bradford and Goshen, at the corner of the lands of Richard Jacobs and John Darlington; thence along the lines of the said Richard Jacobs, and the lands of Amos Darlington and Joseph M'Clellan, to the lands of George Matlack; thence along the lines of the said Matlack, Joseph M'Clellan, Jonathan Matlack, and of the late John Patton, to a line of the land of Doctor Joseph Moore; thence to the line of the land of Jesse Matlack; thence along the lines of the said Jesse Matlack's lands, and of the lands of John Biddle and Abner Hoops, to the road called the Goshen Street; thence along the said street to the land of

Benaniel Ogden, being the line which divided the township of East Bradford from the township of Goshen; and from thence to the place of beginning.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, that the citizens of the said borough, who shall in other respects be entitled to vote for members of the general assembly of this commonwealth, shall, on the first Monday of May next, and on that day in every succeeding year, meet together at the court-house in the said borough, and then and there choose, by ballot, two reputable freeholders, who shall be citizens of this state and inhabitants of the said borough, to be burgesses, and five reputable persons to serve as assistants, for advising, aiding and assisting the said burgesses in the execution of the power and authority hereby given them, and also to elect a high constable and town clerk, all and every of which persons shall be resident in the said borough, and shall be duly qualified to elect as aforesaid; and the person who shall have the greatest number of votes shall be called the chief burgess.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, that the election for the officers aforesaid shall be holden in the following manner, to wit: The constable of the town of West Chester, in the present year, and the high constable so as aforesaid elected or appointed in the manner hereinafter mentioned, in every succeeding year, shall give notice of such election six days before the time appointed for holding the same, by advertisements set up in six of the most public places within the said borough, and at the election to be holden the present year, and at every succeeding election, there shall be two reputable citizens chosen by the electors of the said borough, for the purpose of holding the said election, receiving and counting the ballots and declaring the persons duly elected; whereupon duplicate certificates of the persons so elected shall be signed by the two citizens chosen as aforesaid, one whereof shall be transmitted to the prothonotary of the court of quarter sessions of the county of Chester, within twenty days after the said election, and the other filed among the records of this corporation; and if, on the first election that shall take place, the two persons highest in vote for burgesses

shall have an equal number of votes, the two citizens chosen as aforesaid shall declare who shall be the chief burgess, but if, at any succeeding election, two persons shall have an equal number of votes for burgesses, a majority of the assistants shall declare who shall be the chief burgess; and if it shall at any time happen, through the neglect of the constable, by not notifying the voters aforesaid by advertisement, and no election shall be holden on that day, or in the mode herein prescribed, the burgesses, assistants, high constable and town clerk of the preceding year, shall be duly qualified to act in their respective offices, until the next time of election appointed by law, and until others shall be duly elected in their stead.

[Section IV.] (Section IV. P. L.) And be it further enacted by the authority aforesaid, That the burgesses and assistants so chosen, or a majority of them, shall have full power and authority to make such ordinances, rules and regulations, as may be necessary for improving and keeping in order the streets and alleys within the said borough, and to remove nuisances and obstructions therefrom, and the same to annul, alter or make anew, as occasion may require, and also to assess, levy and collect a tax for the said purposes, and shall have all other powers necessary for the well ordering and better government of the said borough. Provided, That the said ordinances, rules and regulations shall not be repugnant to the constitution and laws of this commonwealth. And provided also, That no tax or taxes shall be laid by them in any one year to exceed one-half cent in the dollar on the valuation of taxable property taken from the last assessment, until the same is agreed to by a majority of the electors, at a town meeting assembled for that purpose, called together by the said burgesses and assistants, or by a request in writing of at least six of the inhabitants of said borough, duly qualified to elect as aforesaid, to the said burgesses, who shall require the high constable to give five days' notice of such intended town-meeting, by advertisements fixed up in not less than six of the most public places within the said borough, notifying the time, place and object of the said town-meeting; and all taxes

Benaniel Ogden, being the line which divided the township of East Bradford from the township of Goshen; and from thence to the place of beginning.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, that the citizens of the said borough, who shall in other respects be entitled to vote for members of the general assembly of this commonwealth, shall, on the first Monday of May next, and on that day in every succeeding year, meet together at the court-house in the said borough, and then and there choose, by ballot, two reputable freeholders, who shall be citizens of this state and inhabitants of the said borough, to be burgesses, and five reputable persons to serve as assistants, for advising, aiding and assisting the said burgesses in the execution of the power and authority hereby given them, and also to elect a high constable and town clerk, all and every of which persons shall be resident in the said borough, and shall be duly qualified to elect as aforesaid; and the person who shall have the greatest number of votes shall be called the chief burgess.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, that the election for the officers aforesaid shall be holden in the following manner, to wit: The constable of the town of West Chester, in the present year, and the high constable so as aforesaid elected or appointed in the manner hereinafter mentioned, in every succeeding year, shall give notice of such election six days before the time appointed for holding the same, by advertisements set up in six of the most public places within the said borough, and at the election to be holden the present year, and at every succeeding election, there shall be two reputable citizens chosen by the electors of the said borough, for the purpose of holding the said election, receiving and counting the ballots and declaring the persons duly elected; whereupon duplicate certificates of the persons so elected shall be signed by the two citizens chosen as aforesaid, one whereof shall be transmitted to the prothonotary of the court of quarter sessions of the county of Chester, within twenty days after the said election, and the other filed among the records of this corporation; and if, on the first election that shall take place, the two persons highest in vote for burgesses

shall have an equal number of votes, the two citizens chosen as aforesaid shall declare who shall be the chief burgess, but if, at any succeeding election, two persons shall have an equal number of votes for burgesses, a majority of the assistants shall declare who shall be the chief burgess; and if it shall at any time happen, through the neglect of the constable, by not notifying the voters aforesaid by advertisement, and no election shall be holden on that day, or in the mode herein prescribed, the burgesses, assistants, high constable and town clerk of the preceding year, shall be duly qualified to act in their respective offices, until the next time of election appointed by law, and until others shall be duly elected in their stead.

[Section IV.] (Section IV. P. L.) And be it further enacted by the authority aforesaid, That the burgesses and assistants so chosen, or a majority of them, shall have full power and authority to make such ordinances, rules and regulations, as may be necessary for improving and keeping in order the streets and alleys within the said borough, and to remove nuisances and obstructions therefrom, and the same to annul, alter or make anew, as occasion may require, and also to assess, levy and collect a tax for the said purposes, and shall have all other powers necessary for the well ordering and better government of the said borough. Provided, That the said ordinances, rules and regulations shall not be repugnant to the constitution and laws of this commonwealth. And provided also, That no tax or taxes shall be laid by them in any one year to exceed one-half cent in the dollar on the valuation of taxable property taken from the last assessment, until the same is agreed to by a majority of the electors, at a town meeting assembled for that purpose, called together by the said burgesses and assistants, or by a request in writing of at least six of the inhabitants of said borough, duly qualified to elect as aforesaid, to the said burgesses, who shall require the high constable to give five days' notice of such intended town-meeting, by advertisements fixed up in not less than six of the most public places within the said borough, notifying the time, place and object of the said town-meeting; and all taxes

which may be assessed or laid within the said borough shall, as near as the same is practicable, be conformable to the laws of this commonwealth for raising county rates and levies.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the said burgesses and citizens duly qualified to elect as aforesaid, and their successors forever hereafter, shall be one body politic and corporate, in and by the name of "The burgesses and inhabitants of the borough of West Chester, in the county of Chester," and shall have perpetual succession, and they and their successors, by the name of the burgesses and inhabitants of the borough of West Chester shall, at all times hereafter, be persons able and capable in law to have, get, receive and possess lands, tenements, rents, liberties, jurisdictions, franchises and hereditaments, to them and their successors, in fee simple, for term of life, lives, years or otherwise; and also goods and chattels, and other things, of what nature or kind soever, and also to give, grant, sell and assign the same lands, tenements, hereditaments, goods and chattels, and to do and execute all other things about the same, by the name aforesaid; and they shall ever hereafter be persons able and capable in law to sue and be sued, plead and be impleaded, and answer and be answered unto, defend and be defended, in all or any courts within this commonwealth, in all manner of actions, suits, complaints, pleas, causes and matters whatsoever; and that it shall and may be lawful to and for the said burgesses and inhabitants aforesaid, and their successors forever hereafter, to have and use one common seal, for sealing of all business whatsoever touching the said corporation, and the same from time to time, at their will, to change and alter; and the said burgesses and assistants shall have full power to appoint such other officers within the said borough, as shall be necessary to carry into complete effect the provisions of this act.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said burgesses and assistants to purchase, or otherwise legally procure and lay off, a portion or piece of ground, for the purpose of erecting a market-house, in such part or place within the said borough as they shall judge the most convenient and

advantageous to the said inhabitants; and it shall and may be lawful for the burgesses and assistants aforesaid to appoint the days and times for holding market within the said market-house.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That if any person, an inhabitant of the said borough and duly qualified to elect as aforesaid, shall be elected to the office of burgess, and having notice of his election, shall refuse to undertake and execute that office, every person so refusing shall forfeit and pay a fine of twenty dollars; and if any person, duly qualified as aforesaid, shall be duly elected to any other office in the said borough created by this act, and having notice of his election, shall refuse to undertake and execute the duties of that office, every person refusing shall forfeit and pay the sum of ten dollars; which fines and forfeitures, and all others in pursuance of this act, or of the by-laws of the said burgesses and inhabitants, shall be recovered before the acting burgess, or any justice of the peace of that county, for the use of the said corporation; and in any such case of refusal, the acting burgesses shall issue their process, directed to the high constable, requiring him to hold an election for the choice of some other fit person or persons, in the stead of such as shall refuse. Provided always, That if any person or persons shall conceive him, her or themselves aggrieved by the judgment of the burgesses, or any justice, by virtue of this act, he, she or they may appeal, within three weeks, and not afterwards, to the court of common pleas, who shall take such order therein as to them shall appear just and reasonable, and the same shall be conclusive to all parties; and, on demand, it shall be the duty of the burgess or justice, or either of them, that hath given judgment, to send a transport of the judgment on his docket to the office of the prothonotary of the court of common pleas, to be filed among the records.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the chief burgess shall take and subscribe an oath or affirmation before one of the associate judges, or a justice of the peace for the county of Chester, to support the constitution of the United States, and of this

state, and an oath or affirmation well and truly to execute the office of chief burgess of the borough of West Chester; and, when so qualified, he shall administer an oath or affirmation to the other burgess, assistants, high constable and town clerk, in manner and form aforesaid, before they shall enter on the duties of their respective offices.

Passed March 28, 1799. Recorded L. B. No. 6, p. 389.

CHAPTER MMXLV.

AN ACT TO ERECT THE TOWN OF LEBANON, IN THE COUNTY OF DAUPHIN, INTO A BOROUGH.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the town of Lebanon, in the county of Dauphin, shall be, and the same is hereby, erected into a borough, which shall be called "The borough of Lebanon," and shall be comprised within the following boundaries, viz: Beginning at a stone at the north bank of Quitapahilla creek, and extending by the said creek on the several courses thereof forty-six perches to a stone on the north side of the said creek; thence by land late of Christopher Laib, deceased, north sixty-nine perches to a stone; thence by land of John Light south seventy-nine degrees west seventy-four perches to a post; thence by land of Christopher Uhler south eighty-six perches to a post, and west twelve perches, south twenty-five degrees west fifty perches to a stone; thence by land by Jacob Wirich south sixty-six perches to a post; from thence by land of Henry Gilbert east one hundred and thirty perches to a post; thence by lands of Peter Shindle and John Light north eight degrees east one hundred and thirty perches to the place of beginning.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the citizens of the said borough, who shall have resided within the same twelve months and shall in other respects be entitled to vote for members of the general assembly of this commonwealth, shall, on the first Monday of May next, and on that day in every year thereafter, meet together at the market-place in the said borough, and then and there choose, by ballot, two reputable freeholders, inhabitants of the said borough, to be burgesses, and three reputable persons to serve as assistants, for advising, aiding and assisting the said burgesses in the execution of the powers and authorities hereby given them, and also to elect a high constable and a town clerk, all and every of which persons shall be residents in the said borough, and shall be duly qualified to elect as aforesaid, and the person who shall have the greatest number of votes for burgess shall be called the chief burgess.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the election for the officers aforesaid shall be holden in the following manner, viz: The constable of the town of Lebanon, in the present year, and the high constable so as aforesaid elected or appointed in the manner hereinafter mentioned, in every succeeding year, shall give notice of such election six days before the time appointed for holding the same, by advertisements set up at six of the most public places within the said borough, and at the election to be holden the present year, the town constable and two reputable freeholders, to be chosen by the electors of the said borough for that purpose, and at every succeeding election the burgesses and assistants, shall hold the said election, receive and count the ballots, and declare the persons duly elected, whereupon duplicate certificates of the persons so elected shall be signed, in the present year by the two freeholders chosen as aforesaid, and in every succeeding election by the said burgesses, which certificate shall, within five days after the said election, be transmitted to the town clerk and filed among the records of the corporation; and at any election held as above directed, should the two persons highest in vote for burgesses have an equal number of votes, the next court of quarter sessions shall declare who shall be the chief burgess; and if it shall at any time so happen,

through neglect or otherwise, that no election shall be holden on that day, or in the mode herein prescribed, it shall be lawful for the court of quarter sessions, and it is hereby required forthwith to appoint the burgesses, assistants, high constable and town clerk aforesaid, who shall thereupon be fully invested with power and authorities to their respective offices appertaining; and the burgesses and other officers, so appointed or elected, shall hold and execute their respective offices until the first Monday in May next ensuing their appointment or election, or until others shall be duly elected or appointed in their stead.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, that the burgesses and assistants so chosen, or a majority of them, shall have full power and authority to make such ordinances, rules and regulations, as may be necessary for improving and keeping in order the streets and alleys within the said borough, and removing nuisances or obstructions therefrom, and the same to annul, alter or make anew, as occasion may require, and also to assess, levy and collect a tax for the said purposes, and shall have all other powers necessary for the interest and well ordering and better government of the said borough. Provided, That the said ordinances, rules or regulations shall not be repugnant to the constitution and laws of this commonwealth. And provided also, That no tax shall be laid by them on any one year to exceed one cent in the dollar on the valuation of taxable property taken from the last assessment, until the same is agreed to by a majority of the electors, at the town meeting assembled for that purpose, called together by the said burgesses and assistants, or by a request in writing of at least six of the inhabitants of said borough, duly qualified to elect as aforesaid, to the said burgesses, who shall require the high constable to give five days' notice of such intended town meeting, by advertisements fixed up in not less than six of the most public places within the said borough, notifying the time, place and object of the said town-meeting; and all taxes which may be assessed or laid within the said borough shall, as near as the same is practicable, be conformable to the laws for raising county rates and levies.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the burgesses and inhabitants of the said borough, and their successors, to have, hold and keep, at the place erected for that purpose within the said borough, two markets in each week, that is to say, one market on Wednesday, and one market on Saturday in every week of the year forever; and there shall be a clerk of the market within the said borough, who shall have the assize of bread, wine, beer, wood, hay, corn and other provisions, brought for the use of the inhabitants, so far as respects regulating the weight and measure of the same, and who shall and may perform all things belonging to the office of a clerk of the market within the said borough, and shall be removable by the burgesses and assistants aforesaid, and another from time to time appointed and removed, as they shall find necessary.

[Section VI.] (Section VI. P. L.) And be it further enacted by the authority aforesaid, That the said burgesses and citizens, duly qualified to elect as aforesaid, and their successors forever, hereafter, shall be one body politic and corporate, in and by the name of "The Burgesses and Inhabitants of the borough of Lebanon, in the county of Dauphin;" shall have perpetual succession; and they and their successors, by the name of the burgess and inhabitants of the borough of Lebanon shall, at all times hereafter, be persons able and capable in law to have, get, receive and possess lands, tenements, rents, liberties, jurisdictions, franchises and hereditaments, to them and their successors, in fee simple, and for term of lives, years, or otherwise; and also goods and chattels, and other things of what nature or kind soever; and also to give, grant, let, sell and assign the same lands, tenements, hereditaments, goods and chattels, and to do and execute all other things about the same, by the name aforesaid; and they shall forever hereafter be persons able and capable in law to sue and be sued, plead and be impleaded, and answer and be answered unto, defend and be defended, in all or any courts within this Commonwealth, in all manner of actions, suits, complaints, pleas, causes and matters whatever; and that it shall and may be lawful to and for the said burgesses and inhabitants aforesaid, and their successors forever hereafter, to have and to use one common seal, for seal-

ing of all business whatsoever touching the said corporation, and the same from time to time at their will to change and alter; and the said burgesses and assistants shall have full power to appoint such other officers within the said borough, as shall be necessary to carry into complete effect the provisions of this act.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That if any person, an inhabitant of the said borough and duly qualified to elect as aforesaid, shall be elected to the office of burgess, and having notice of his election, shall refuse to undertake and execute that office, every person so refusing shall forfeit and pay the sum of twenty dollars; and if any person, duly qualified as aforesaid, shall be duly elected to any other office in the said borough, created by this act, and having notice of his election, shall refuse to undertake and execute the duties of that office, every person so refusing shall forfeit and pay the sum of ten dollars, which fines and forfeitures, and all others in pursuance of this act, or of the by-laws of the said burgesses and inhabitants, shall be recovered before the acting burgess, or any justice of the peace of that county, for the use of the said corporation; and in any such case of refusal, the acting burgesses shall issue their process, directed to the high constable, requiring him to hold an election for the choice of some other fit person or persons, in the stead of such as shall refuse. Provided always, That if any person or persons shall conceive him or themselves aggrieved by the judgment of the burgesses, or any justice, by virtue of this act, he or they may appeal to the next county court of common pleas, who shall, on the petition of the party, take such order therein as to them shall appear just and reasonable, and the same shall be conclusive to all parties.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the chief burgess shall take and subscribe an oath or affirmation, before any one of the associate judges, or a justice of the peace for the county of Dauphin, to support the constitution of the United States, and of this state, and an oath or affirmation well and truly to execute

the office of chief burgess of the borough of Lebanon, and, when so qualified, he shall administer an oath or affirmation to the other burgesses, assistants, high constable and town clerk, in manner and form aforesaid, before they shall enter on the duties of their respective offices.

Passed March 28, 1799. Recorded L. B. No. 8, p. 378, etc.

CHAPTER MMXLXI.

AN ACT TO ENABLE WILLIAM ALEXANDER AND ROBERT ALEXANDER, AND THE SURVIVOR OF THEM, TRUSTEES OF AN ESTATE HELD FOR THE USE OF JONATHAN WILLIAMS AND MARIAMNE HIS WIFE, AND THEIR JOINT HEIRS, WITH THE REMAINDERS OVER, TO SELL AND CONVEY THE SAID ESTATE, OR SUCH PARTS THEREOF AS MAY BE NECESSARY, AND TO INVEST THE MONEYS ARISING THEREFROM TO THE SAME USES, BUT IN OTHER PROPERTY MORE BENEFICIAL AND PRODUCTIVE, AND FOR OTHER PURPOSES THEREIN MENTIONED.

Whereas it appear, that in pursuance of certain agreements and settlements, in consideration of marriage between Jonathan Williams, now of the county of Philadelphia, and Mariamne, his wife, late Mariamne Alexander, a certain messuage and tract of land, called Mount Pleasant, situate in the township of the Northern Liberties, in the county of Philadelphia, and containing about one hundred acres, and also two lots of ground on the south side of Chestnut street, between Tenth and Eleventh streets from Delaware, in the city of Philadelphia, [was] purchased with moneys furnished by Alexander John Alexander, a party to the said agreements and settlements, and now are vested in William Alexander and Robert Alexander, and their heirs, in trust for the use of the said Jonathan Williams and Mariamne, his wife, during their joint lives, and the life of the survivor; and from and after the decease of the said Jonathan and Mariamne Williams, and the survivor of them, to the use of all the children of the said marriage, to be divided among them, in such proportions as should be appointed by a writing under the hands of the said Jonathan and Mariamne Williams, and in

case no such writing should appear, then to be equally divided among them; and in failure of issue by the said marriage, and in case the said Mariamne Williams should marry a second husband, then to the use of the children of such second marriage, to be equally divided amongst them; and in case the said Mariamne Williams should die without leaving children of her body, and after the death of the said Jonathan Williams, then to be divided among such of the nieces of Alexande John Alexander, late of London, as should then be living, in equal shares. And whereas the said Jonathan Williams and Mariamne, his wife, have, by their petition to the legislature, set forth that the said real estates, so held in trust, do not afford an income equal to the legal interest of the sum vested in the purchase thereof, and are insufficient for the convenient support and maintenance of the said Jonahan Williams and Mariamne, his wife, and the education of their children, and that it would greatly conduce to their interest, without prejudicing those in remainder, if the said trustees were authorized to sell and convey the said real estate, or so much thereof as may be found expedient, and to vest the moneys therefrom arising in other and more productive property, on the same trust and to the same uses; and it appearing that the aforesaid Alexander John Alexander has consented to the sale of the said real estate so held in trust for the uses and purposes aforesaid; Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful for William Alexander and Robert Alexander, the present trustees under certain settlements and agreements, entered into in consideration of marriage between Jonathan Williams, now of the county of Philadelphia, and Mariamne, his wife, late Mariamne Alexander, or the survivor of the said trustees, from time to time, to sell and convey, in fee simple, all or any part or parts of a certain messuage and tract of land called Mount Pleasant, situate in the township of the Northern Liberties, in the county of Philadelphia, and two lots of ground on the south side of

Chestnut street, between Tenth and Eleventh streets from Delaware, in the city of Philadelphia, which they hold in trust, by virtue of the settlements and agreements made and entered into as aforesaid, and to vest the moneys therefrom arising in other property, producing a greater income in proportion to the principal sum than the property above described, and upon the same trust and to the same uses, in all respect, as are set forth in the settlements and agreements aforesaid.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, that in case of the death of the survivor of the said trustees, or his absence from the United States, it shall be lawful for the orphans' court of the county of Philadelphia, on the application of any of the parties in interest, to appoint one or more trustees, from time to time, which trustee or trustees, so appointed, shall be seized in like manner, and have the like powers and authorities, and be subject to the same obligation and duties, as the trustees now existing. Provided always, That in case application shall be made for the appointment of any such trustee during the lifetime of either of the present trustees, the consent of the said trustee that such appointment should be made shall be shown, to the satisfaction of the said orphans' court, before such appointment shall take place.

Passed March 28, 1799. Recorded L. B. No. 6, 375, etc.

CHAPTER MMXLVII.

AN ACT TO AUTHORIZE THE REMOVAL OF THE SEAT OF JUSTICE IN THE COUNTY OF WAYNE, AND FOR OTHER PURPOSES.

Whereas the inhabitants of the six upper townships in the county of Wayne have, by their memorials, set forth to the general assembly of this commonwealth the great hardships they suffer, in consequence of the seat of justice being fixed at Mil-

ford, which they state to be a situation remote from the centre and from the improving parts of the county, and separated therefrom by an extent of barrens of twenty-five to forty miles in width, so that their attendance on the courts is almost impracticable. For remedy whereof:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, the seat of justice shall cease to be at Milford, and, until suitable public buildings shall be erected at the place hereinafter mentioned, all and every the courts of Wayne county shall be held at the mansion house of Wilsonville, in Palmyra township.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the seat of justice for the county of Wayne be, and the same is hereby, fixed at such suitable spot within four miles of Dyberry forks of Lackawaxen river, in Palmyra township, as the trustees hereinafter named, or a majority of them, shall agree on.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That John Brink, Ebenezer Jeans, John Hilborn, John B. Rodgers and John Bunting, be, and they are hereby, appointed trustees for the county of Wayne, with full power and authority for them, or a majority of them, to fix on the most eligible spot for the seat of justice, at or within four miles of the Dyberry forks of Lackawaxen aforesaid, and to purchase or otherwise take conveyances in trust for the use of the county, of any quantity or quantities of land within the aforesaid limits of four miles of the forks of Lackawaxen, and to survey and lay out the same in proper town and out lots; and they, or a majority of them, are hereby authorized to sell at public auction, after due notice given, and convey in fee simple, clear of any reservations whatsoever, so many of said town and out lots as they may think proper, and to appropriate the moneys arising from such sales in the same manner, and for the same purposes of erecting public buildings, as by the act en-

titled, "An act for erecting part of the county of Northampton into a separate county,"¹ is directed.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the inhabitants of and others interested in lands in the six upper townships shall pay the expense already necessarily incurred by the commissioners, formerly appointed by the act, entitled, "An act for erecting part of Northampton county into a separate county,"² to fix the seat of justice, and erect public buildings, and the amount of the moneys paid for lots in Milford sold by them at auction; the amount of which said expenses shall be liquidated and finally adjusted by and between the commissioners appointed by the former act, and the trustees herein appointed, or a majority of the whole, or in case they should not agree, then by five referees or arbitrators, four of whom shall be mutually appointed by them, and the remaining one by the said four, and the award of a majority of said referees to be final and decisive.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, that so much of the act, entitled, "An act for erecting part of the county of Northampton into a separate county," as is inconsistent with this act, be, and the same is hereby, repealed and made void.

Passed April 1, 1799. Recorded L. B. No. 6, p. 373, etc.

CHAPTER MMXLVIII.

AN ACT TO PROVIDE FOR THE REMOVAL OF THE SEAT OF THE GOVERNMENT OF THE STATE OF PENNSYLVANIA.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by

¹See Ante.

the authority of the same, That, prior to the first Tuesday in November next, all offices attached to the seat of [the] government of the state of Pennsylvania shall be removed to the borough of Lancaster, in the county of Lancaster, by their respective holders, and shall, after the said first Tuesday in November next, cease to be exercised elsewhere, and shall remain at the said borough of Lancaster until the permanent seat of the government shall be hereafter establish, at which said borough of Lancaster the session of the legislature next ensuing the present shall be held.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the secretary of the commonwealth, the register-general, the comptroller-general, the master of the rolls, the officers of the land office, the treasurer of the state, the clerks of both houses of the legislature, and all officers whose official duty may be appurtenant and attached to the seat of government, shall each of them remove, or cause to be removed, the books, records, papers and other documents whatsoever to their said offices, respectively, or to the state generally, belonging, to the borough of Lancaster, in the manner provided for and directed by this act.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That Matthias Barton, Jacob Strieler and Thomas Boude shall be, and they are hereby, appointed commissioners, who, together with the respective officers aforesaid, shall superintend and direct the removal of the books, records, papers and other documents aforesaid, and shall provide at the borough of Lancaster good and suitable rooms and apartments, for the convenient accommodation of the legislature, and also for the receiving, opening and depositing the said books, records, papers and other documents, and for conducting and transacting the business of the offices aforesaid, respectively; and in case of the resignation of any of the said officers, or of their or any of their neglect, refusal or incapacity to attend the business of removal aforesaid, then it shall and may be lawful for the said commissioners, or a majority of them, to proceed therein, as if the said officers were attending.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the sum of three thousand dollars be, and the same is hereby, appropriated for discharging the expenses of removal, and making the necessary provisions and arrangements aforesaid, to be advanced to the said commissioners, on warrants drawn by the governor in their favor on the state treasurer, and to be paid out of any moneys which may remain in the treasury, they to be accountable for the same.

Passed April 3, 1799. Recorded L. B. No. 6, p. 370, etc.

CHAPTER MMXLIX.

AN ACT TO APPROPRIATE A FURTHER SUM OF MONEY FOR THE OPENING AND IMPROVING THE ROAD LEADING FROM FRANKSTOWN, ON THE RIVER JUNIATA, TO PITTSBURG.

Whereas considerable sums of money have been appropriated for the opening and improving the road leading from Frankstown, on the Juniata river, to Pittsburgh, and it hath been represented to the legislature that the sums heretofore granted are insufficient for the purpose, and that the opening of said road being necessary and of public utility; Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the sum of one thousand dollars, in addition to the former grants, shall be, and is hereby, granted and appropriated, for the purpose of opening and improving the said road from Frankstown to Pittsburgh, to be paid out of the arrears of taxes due to the commonwealth from Westmoreland county, on warrant or warrants of the governor, for that purpose drawn on the treasurer of said county, and to be applied to that part of the road which lies in Westmoreland county, west of the Chestnut Ridge.

Passed April 4, 1799. Recorded L. B. No. 6, p. 368.

CHAPTER MML.

AN ACT FOR RAISING, BY WAY OF LOTTERY, A SUM NOT EXCEEDING TEN THOUSAND DOLLARS, FOR THE PURPOSE OF COMPLETING THE BUILDING OF THE ROMAN CATHOLIC CHURCH OF ST. AUGUSTIN, IN THE CITY OF PHILADELPHIA.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That Thomas Fitzsimons, John Leamy and Edward Carroll be, and they the hereby, appointed commissioners to raise, by way of lottery, a sum not exceeding ten thousand dollars, to be by them applied to the defraying of the expense of completing the building of the Roman Catholic church of St. Augustine, in the city of Philadelphia, in such manner as to the said commissioners, or a majority of them, may appear most beneficial to the congregation of said church.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That each of the said commissioners shall, previously to entering upon the duties of his office, take and subscribe an oath diligently and faithfully to perform the duties intrusted to him, and at least two of them shall attend at the drawings of each day, and, when the whole is completed, shall cause an accurate list of the fortunate numbers in the said lottery to be published in at least two newspapers printed in the city of Philadelphia, and the expenses necessarily attending the carrying [of] this act into effect shall be paid by the said commissioners, out of the net proceeds of the said lottery.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners be, and they are hereby, authorized to settle and adjust all accounts, which may be exhibited by any person or persons legally employed in carrying this act into effect.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners, previously to selling any tickets in the said lottery, shall lay the scheme thereof before the governor of this commonwealth, to be approved by him, and shall also enter into bonds to the governor for the due and faithful performance of their duty in the drawing of said lottery.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That all prizes, not demanded within twelve months after publication as aforesaid, shall be considered as relinquished for the benefit of the undertaking.

Passed April 4, 1799. Recorded L. B. No. 6, p. 377, etc. Supplement passed March 13, 1800, Chapter 2135.

CHAPTER MMLI.

AN ACT FOR PERPETUATING THE PENAL LAWS OF THIS STATE.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That so much of the act, entitled, "An act to reform the penal laws of this state," passed the fifth day of April, one thousand seven hundred and ninety-five,¹ together with the act, entitled, "An act to continue in force the act, entitled, 'An act to reform the penal laws of this state,' and for other purposes therein mentioned," passed the eighteenth day of April, one thousand seven hundred and ninety-five,² together with the last recited act, excepting only so much thereof as limits the continuance of the said recited acts, be, and the same hereby are made perpetual.

Passed April 4, 1799. Recorded L. B. No. 6, p. 372. Repealed by the Act of Assembly passed March 31, 1860, Chapter 376, P. L. 1860, p. 453.

¹Chapter 1516.

²Chapter 1861.

CHAPTER MMLII.

AN ACT TO VEST IN THE PRESIDENT, DIRECTORS AND COMPANY, FOR
ERECTING A PERMANENT BRIDGE OVER THE RIVER SCHUYLKILL, AT
OR NEAR THE CITY OF PHILADELPHIA, THE RIGHT AND TITLE OF
THIS COMMONWEALTH TO THE LOT OR PIECE OF GROUND THEREIN
MENTIONED.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That all the right and title of this commonwealth of, in and to the lot or piece of ground herein described, beginning on High or Market street, on the west side of Schuylkill Front street; thence extending along the said Front street one hundred feet southward, to a line parallel with High street, at one hundred feet distance therefrom; then westward by the said parallel line, being the northern boundary of a lot granted by patent on the seventeenth day of November, one thousand seven hundred and nine, to a certain John Clarke, under an original right of John Pennington, six hundred feet, be the same more or less, and crossing Assheton street, which is excluded from this grant and is to remain open for public use, to low water mark of the river Schuylkill; thence by the said river northward to the line of High street; thence along the said street eastward, crossing Assheton street, to the place of beginning, be, and the same is hereby, granted for the purpose of accommodating or erecting thereon a permanent bridge over the said river, to the said president, directors and company, for erecting a permanent bridge over the Schuylkill, at or near the city of Philadelphia, and their successors forever.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons, body or bodies politic and corporate, shall claim or allege title to the lot herein granted, the like proceeding shall be had as are di-

rected by the laws of this commonwealth in cases of claims to city lots granted or assigned by the commonwealth, and similar proceedings shall be had for obtaining possession of the said lot by the said president, directors and company, but nothing in this act contained shall operate to give validity to any rights or claims barred by the said acts, or otherwise.

Passed April 4, 1799. Recorded L. B. No. 6, p. 372, etc. See the Act incorporating the company, passed March 16th, 1798, Chapter 1974.

CHAPTER MMLIII.

AN ACT FOR OFFERING COMPENSATION TO THE PENNSYLVANIA CLAIMANTS OF CERTAIN LANDS WITHIN THE SEVENTEEN TOWNSHIPS, IN THE COUNTY OF LUZERNE, AND FOR OTHER PURPOSES THEREIN MENTIONED.

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That Isaac Whelen, of Chester county, Thomas Boude, of Lancaster county, and General William Irwine, of Cumberland county, be, and they are hereby, appointed commissioners, whose duty it shall be carefully to examine and ascertain the quantity, quality and situation of all lands, lying within what have been commonly called and known by the name of the Seventeen Townships, in the county of Luzerne, held or claimed under a Pennsylvania title, under a patent, or a location or warrant, before the decree of Trenton, by which the right of jurisdiction was declared to be in Pennsylvania, on which a survey has been executed, and returned agreeably to law, and to divide the same, according to their value, into four classes, distinguished by the name of the first, second, third and fourth class, the first class to contain the lands of the greatest value, and the second, third and fourth classes those of inferior value, preserving a due proportion between

each, and shall adjudge what sum per acre each Pennsylvania claimant shall receive, not exceeding the rates hereinafter mentioned. Provided always, That nothing herein contained shall authorize the said commissioners to proceed to the performance of the duties enjoined upon them by this act, until persons claiming land to the extent of forty thousand acres, under grants made by Pennsylvania, shall have conveyed and released the same to the state, by deeds duly executed and filed in the land office, for the purpose and for the considerations expressed in this act, and until persons commonly called Connecticut settlers, claiming land to the extent aforesaid, shall have signified in writing, under their hands and seals, duly executed in the presence of two witnesses and filed in the land office, that they will submit to and abide by the determination of the said commissioners. And provided, That if part of the said land, but not to the extent aforesaid, shall have been released, or if the Connecticut claimants, to the extent aforesaid, should not make their submissions according to the provisions herein contained, then such releases, as shall have been made by Pennsylvania claimants as aforesaid, shall be null and void, and the property, which shall have been so as aforesaid released, shall vest and be held in the same manner, as if this act had not been passed. Provided also, That the lines of the respective tracts of lands, so as aforesaid, submitted to the examination of the commissioners, shall be the same as those bounding the original grants, and that the said commissioners shall not examine any lands, but those which the Pennsylvania claimants shall have agreed as aforesaid to submit to their examination.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That to such of the aforesaid Pennsylvanian claimants, having title as aforesaid to lands within either of the said classes, who shall comply with the conditions of this act, such compensation shall be made as the said commissioners shall award, not exceeding the rates hereinafter set forth, in certificates to be issued as hereinafter directed, transferable and bearing interest, receivable as specie in all payments to be made at the land office, that is to say, to those whose lands shall be in the first class, a sum not exceeding five dollars an

acre; to those whose lands shall be in the second class, a sum not exceeding three dollars an acre; to those whose lands shall be in the third class, a sum not exceeding one dollar and fifty cents an acre; and to those whose lands shall be in the fourth class, a sum not exceeding twenty-five cents an acre. Provided always, That nothing in this act contained shall be construed to direct or empower the said commissioners to include the whole of any one original survey in any one class, unless, in their opinion, the quality of the whole tract will justify it, nor that they shall fix the price of each tract included in the same class at one price per acre, unless, in their opinion, such tracts should be of equal value, but that the rate per acre of the several tracts arranged in the same class, shall be according to their relative value.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That every Pennsylvania claimant, who shall have conveyed and released to the commonwealth a regular title, as specified in this act, shall, on application to the board of property, be entitled to receive a ticket directed to the comptroller-general, stating the number of acres so released and conveyed to the commonwealth, and the class to which the said land belongs, and also certifying the amount awarded by the commissioners in favor of such Pennsylvania claimant, and the balance of principal and interest due from such Pennsylvania claimant to the commonwealth, on account of the original purchase money of such tract or tracts, which shall be submitted to the register-general and the comptroller-general, to issue and deliver to such claimant one or more certificates of the nature hereinbefore specified, for the sum to which his compensation shall amount, after having deducted the principal and interest so due to the commonwealth; and the said comptroller-general is hereby authorized and directed to issue such certificate or certificates accordingly, and to alter or renew such certificates, so as to accommodate payments at the land office; and all public money which shall come to the hands of the receiver-general is hereby appropriated to the payment of the said certificates; and in case of disputes between Pennsylvania claimants before the issuing of the certificates in pursuance of

this act, such disputes shall be decided by the board of property, according to the general usage. Provided, That their decision shall not prevent the party, against whom it is made, from prosecuting his claim in the courts of law as usual; and in case of an appeal from the decision of the board of property, the certificates shall not issue until the dispute shall be decided.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That no Pennsylvania claimant shall be entitled to compensation under this act, who shall not make application to the board of property for that purpose within six months from the passing of this act. Provided, That if such claimant shall, at the time of passing this act, be a *feme covert*, under the age of twenty-one years, or out of the United States, one year shall be allowed for making such application from the time such claimant shall cease to be a *feme covert*, arrive at the age of twenty-one years, or return to some part of the United States.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the said commissioners also to ascertain all the rights or lots within the said Seventeen Townships, which were occupied or acquired by Connecticut claimants, who were actually settlers there at or before the time of the said decree at Trenton, and which rights or lots were particularly assigned to the said settlers prior to the said decree, agreeably to the regulations then in force among them, and to divide the said rights or lots into four classes, to be distinguished in the manner hereinbefore mentioned, according to their respective value, taking into consideration both the quality and situation, and make out certificates therefor, with a draft of the survey thereto annexed; and in case the said original settlers, their heirs or assigns, shall make application to the land office at any time before the first day of January, in the year of our Lord one thousand eight hundred and one, and agree to pay to the commonwealth, by eight equal annual instalments, at the rate of two dollars per acre for lands of the first class, at the rate of one dollar and twenty cents per acre for lands of the

second class, at the rate of fifty cents per acre for lands of the third class, and at the rate of eight and one-third cents per acre for lands of the fourth class, with interest upon each instalment till the same is paid; whereupon patents for lands so certified shall be issued from the proper office, paying the legal fees for such patents, and also the surveying fees.

[Section VI.] Provided nevertheless, and it is hereby expressly ordered, That no patents shall issue to affect any lands, the titles whereof shall be in any person or persons claiming under Pennsylvania, until such person or persons have conveyed their title to the commonwealth. And provided also, That the lands to be granted to any Connecticut claimants, by virtue of this act, shall be mortgaged by such claimant or claimants, for the payment of the principal and interest of the aforesaid instalments due to the commonwealth as aforesaid.

[Section VII.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That in case any lands shall be conveyed to the commonwealth by the aforesaid Pennsylvania claimants, for which no application shall be made, in manner hereinbefore directed, by Connecticut claimants, on or before the first day of January, in the year one thousand eight hundred and one, it shall be lawful for the governor, and he is hereby required, to order such lands to be sold at public auction in the city of Philadelphia, giving six months' notice of such sale in one or more of the newspapers of the said city, provided the same shall not be sold at a less price than that at which the state has by this act directed it to be offered to the Connecticut claimants; and in case any of the land so exposed to sale should not sell for the sum for which it was offered to the Connecticut claimants, then, in such case, it shall be the duty of the attorney-general immediately thereafter to cause legal process to be issued for dispossessing every such person of the land so claimed, and not sold by the commonwealth, excepting the case of minors under twenty-one years of age, and persons beyond sea, who shall be allowed a further time of one year from the time the land claimed by them was exposed to sale as aforesaid, by themselves, guardians, or attorneys, to make their application, and comply with the terms of this act.

[Section VIII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That each person claiming the provisions of this act shall, prior to the commissioners classing and valuing such person's land by virtue of this act, make oath or affirmation (which oath or affirmation either of the said commissioners is hereby authorized to administer) "that he or she does not claim title under a joint right of the Pennsylvania claimants and of the Connecticut settlers, but that he or she holds exclusively under one or the other of the aforesaid rights, and that he or she has not directly or indirectly done, or caused to be done, any act or thing, to destroy or conceal such joint title, with a view of coming within the provisions of this act," and if it shall appear that any person claiming the provisions of this act holds by such joint title, or that such joint title has been destroyed or concealed, with the view aforesaid, then, in that case, such lands shall not be within the provisions of this act.

[Section IX.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That each of the said commissioners, before he acts, shall take an oath or affirmation before some judge or justice of the peace "that he will diligently, faithfully and impartially discharge the duties assigned to him by this act;" and in case either of the said commissioners shall die, or refuse or become incapable to act, the governor shall appoint a person to supply his place, and all acts by a majority of the said commissioners shall be as valid as if they had all joined therein.

[Section X. (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners shall keep a regular account of their proceedings in a book, which shall be deposited by them in the office of the secretary of the land office, and they may appoint a clerk, who shall be sworn or affirmed before them, faithfully to register all their proceedings in pursuance of this act, and they may appoint a surveyor or surveyors, and employ chain-carriers and markers for the purpose of such surveys, as they shall judge necessary, and the said surveyor, chain-carriers and markers shall be sworn before a justice of the peace, or one of the commissioners, faithfully to per-

form their respective duties, and shall receive a reasonable compensation for their services, to be fixed by the said commissioners, and paid by the commonwealth; and all surveys made by direction of the said commissioners shall be by them returned to the office of the surveyor-general.

[Section XI.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That there shall be allowed, and paid out of the public treasury, to each of the said commissioners, three dollars and fifty cents per day and to their clerk - three dollars per day, for each day that they shall be respectively employed in performing the duty required by this act.

[Section XII.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That in cases of dispute between the Connecticut claimants, they may elect to have the same decided by the said commissioners, or appeal, before such decision, to the court of common pleas of the proper county, and a certificate from the clerk of such commissioner, or from the prothonotary of such court of common pleas before which tribunal such decision may be had, certifying in whose favor the same is adjudged, shall be good evidence to obtain a patent from the proper office aforesaid.

Passed April 4, 1799. Recorded L. B. No. 6, p. 394, etc. Supplement passed March 15, 1800, Chapter 2138.

CHAPTER MMLIV.

AN ACT FOR THE RELIEF OF THE CHAMBERSBURG ACADEMY.

Whereas the trustees of the Chambersburg Academy have, by their petition, represented that a building, of the dimensions of sixty-five by twenty-five feet, hath been erected at the expense of a few citizens of Chambersburg, and its vicinity, that up-

wards of ninety students are now under their care, and that no funds have been bestowed on them, either by this commonwealth, or from any other source. Therefore:

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor of this commonwealth be, and he is hereby, directed and required to draw his warrant on the treasurer of Franklin county, in favor of the trustees of the Chambersburg Academy, for the sum of two thousand dollars, to be paid out of the arrearages of taxes due by the said county to the commonwealth, to be applied by the said trustees to the use of the said academy; and the said treasurer shall have credit for the said sum in the settlement of his accounts with the comptroller-general of this commonwealth.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That there shall be admitted into the said academy any number of poor students, who may at any time be offered, in order to be taught gratis. Provided the number so admitted and taught shall at no time be greater than five, and that none of the said students shall continue in the said academy longer than two years, if others should apply for admittance.

Passed April 5, 1799. Recorded L. B. No. 6, p. 433, etc.

CHAPTER MMLV.

AN ACT FOR THE RELIEF OF HANNAH ALLMAN, EXECUTRIX TO LAWRENCE ALLMAN, DECEASED.

Whereas Lawrence Allman was a lieutenant in the service of the United States, attached to the Pennsylvania line, during the late revolutionary war. And whereas, for services thus ren-

dered, in due time had issued to him a certificate, by the auditors for that purpose appointed, specifying the amount of the depreciation of his pay payable by this commonwealth to him; but whereas doubts arose in the mind of the late comptroller whether the certificate could be allowed under the act of assembly of the eighteenth of December, Anno Domini one thousand seven hundred and eighty, the same was detained in his office. And whereas since which time the amount of the said certificate, to wit, three hundred and fifty-two pounds, has been allowed in the account of this commonwealth, as a just charge against the United States, as fully appears by the indorsement of the commissioners appointed to settle the accounts between this state and the United States, filed in the proper office, and it being but just that the same sum, with the same interest, as allowed aforesaid, should be refunded to Hannah Allman, executrix aforesaid. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the comptroller and register-general of this commonwealth are hereby authorized and required to settle with and allow the said Hannah Allman, executrix aforesaid, the same sum, with such interest, as has been credited and allowed to this commonwealth by the United States, for the depreciation pay of Lawrence Allman, deceased, late lieutenant in the first regiment of the Pennsylvania line; and upon such settlement, and sum found due and certified as aforesaid, the governor is hereby authorized, under the same limitations and restrictions as prescribed by an act of assembly, passed April the fourth, one thousand seven hundred and ninety-two, to draw his warrant for the same on the treasurer of this commonwealth, which warrant shall be satisfied and paid out of the money for the support of government appropriated.

CHAPTER MMLVI.

AN ACT DECLARING DUNKARD CREEK, IN THE COUNTY OF GREENE, A
PUBLIC HIGHWAY.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, Dunkard creek, in the county of Greene, from the mouth thereof up to the main fork (or the several parts thereof which pass through this commonwealth) shall be, and the same is hereby, declared to be a public highway, under the limitations and restrictions hereinafter specified, and it shall and may be lawful for any person, desirous of improving or using the navigation of said creek, to remove all natural and artificial obstructions, excepting mill-dam already built, from the mouth thereof up to the main fork, or the several parts thereof which pass through this commonwealth, and also to erect such slopes at the mill-dams already built, and keep them in repair, as may be necessary for the passage of boats and rafts, and the ascent of fish. Provided always, That such slopes be so constructed as not to injure the works of said dams.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That nothing in this act contained shall be deemed, taken or understood to prevent any person or persons, possessing lands on said creek, who, before the passing of this act, had authority under the laws of this commonwealth to erect a dam, from erecting any such dam or dams that he or she may think proper. Provided always, That such dams be so constructed, and continued in repair, as that there may be a slope of each dam at least thirty feet in width, extending four times the distance down the creek that such dam may be in perpendicular height, and sufficient for the passage of boats and rafts, and the ascent of fish.

CHAPTER MMLVII.

AN ACT TO REPEAL PART OF AN ACT, ENTITLED, "AN ACT FOR REGULATING, PITCHING, PAVING AND CLEANSING THE HIGHWAYS, STREETS, LANES AND ALLEYS, AND FOR REGULATING, MAKING AND AMENDING THE WATER COURSES AND COMMON SEWERS, WITHIN THE INHABITED AND SETTLED PARTS OF THE CITY OF PHILADELPHIA, FOR RAISING OF MONEY TO DEFRAY THE EXPENSES THEREOF, AND FOR OTHER PURPOSES THEREIN MENTIONED."¹

Whereas the inhabitants of the Northern Liberties of the city of Philadelphia, the district of Southwark, and the townships of Moyamensing and Passyunk, and inhabitants of the city of Philadelphia, holding or possessing lands within the said district and townships, are much aggrieved by the restrictions laid on the transportation of produce and manure from or to their respective possessions, on or over the paved parts of the said city, by an act, entitled, "An act for regulating, pitching, paving and cleansing the highways, streets, lanes and alleys, and for regulating, making and amending the water courses and common sewers within the inhabited and settled parts of the city of Philadelphia, for raising of money to defray the expenses thereof, and for other purposes therein mentioned," passed the eighteenth day of February, one thousand seven hundred and sixty-nine.¹ Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That so much of the act aforesaid, as debars or prevents any person or persons residing within the Northern Liberties of the city of Philadelphia, the district of Southwark, the townships of Moyamensing and Passyunk, or within the city of Philadelphia, holding or possessing lands within the said districts or townships, from transporting in his, her or their wagons, wains or carts, for his, her or their own

¹Chapter 594.

proper use, any matters or things whatsoever, on or through any of the paved parts of the said city, unless the fellies of the wheels of such wagons or carts be of certain dimensions, and the loads thereon do not exceed a certain weight, be, and the same is hereby, repealed.

Passed April 5, 1799. Recorded L. B. No. 6, p. 438, etc.

CHAPTER MMLVIII.

AN ACT FOR INCORPORATING THE CONGREGATION OF THE PROTESTANT
EPISCOPAL CHURCH OF ST. JOHN, IN WEST CALN, IN THE COUNTY
OF CHESTER, AND FOR OTHER PURPOSES THEREIN MENTIONED.

Whereas it has been represented, by the minister, vestry and congregation of St. John's, in West Caln township, in the county of Chester, that by virtue of an act of assembly, passed the twenty-eighth day of November, one thousand seven hundred and eighty-five, certain trustees, therein named, were empowered to sell and convey certain lands belonging to said church, and the money arising therefrom to place at interest, for the use of the said church, and that, in consequence of the death of some of the trustees, and by means of other money belonging to the said congregation and not under the care of any particular person, great inconveniences have arisen, and praying that the same might be remedied by incorporating the aforesaid minister, vestry and congregation. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the Reverend Joseph Clarkson, minister of the said church, Archibald Henderson, junior, and James Dunlap, the present wardens, and Jerman Davis, John Anderson, James Lytle, Matthew Henderson, Archibald Hen-

derson, John Hopkins, Daniel Buckley, John Wilson, Leonard Elmaker, James Clemson, Christopher Griffith and James Henderson, present vestrymen of the said church, and their successors, duly elected and nominated in their place and stead, be, and they are hereby, made and constituted a corporation and body politic, in law and in fact, to have continuance forever, by the name and title of "The minister, churchwardens and vestrymen of St. John's church, in the township of West Caln, in the county of Chester."

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the said minister, churchwardens and vestrymen, and their successors, by the name and title aforesaid, shall forever hereafter be persons able and capable in law to purchase, have, receive, take, hold and enjoy, in fee simple, or of any lesser estate or estates, any lands, tenements, rents, annuities, liberties, franchises and other hereditaments, by the gift, grant, bargain, sale, alienation, enfeoffment, release, confirmation or devise of any person or persons, bodies politic or corporate, capable to make the same, and further, that the said corporation may take and receive any sum or sums of money, and any kind, manner or proportion of goods and chattels, that shall be given or bequeathed to the said minister, churchwardens and vestrymen, and their successors, by any person or persons, bodies politic and corporate, capable to make a gift or bequest thereof; such money, goods and chattels, to be applied by them to the purposes of their incorporation.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the rents, revenues, profits and interest of the said church and corporation shall, by the said minister, churchwardens and vestrymen, and their successors, from time to time, be appropriated for the support and maintenance of the minister of the said church, for salaries to their clerk and sexton, except when there be an agreement made with the minister for a less sum than the annual income, and for improvements and necessary repairs of the said church, burial-

ground, churchyard, parsonagehouse and other tenements, which do now, or hereafter may or shall, belong to said church and corporation, and to no other use or purpose whatsoever.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said minister, churchwardens and vestrymen, and their successors, shall and may grant, alien, or otherwise dispose of any messuages, houses, lands, tenements and hereditaments, other than the site of the house of public worship or church aforesaid, and the burialground or grounds which they do now or may hereafter possess, as to them may seem meet and proper.

[Section V.] (Section V, P. L.) Provided always, And be it further enacted by the authority aforesaid, That in the disposal, sale or alienation of such messuages, houses, lands, tenements and hereditaments, the consent and concurrence of two-thirds of the vestry shall be had and obtained; and also, the moneys arising from the said disposal or sale shall be appropriated to the purchase and procuring other more convenient messuages, houses, lands or tenements, as the aforesaid majority of vestry may deem proper and expedient, and to no other purpose or purposes whatsoever.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the said minister, churchwardens and vestrymen, and their successors, or a majority of them, shall and may convene, from time to time, to make rules, by-laws and ordinances, and to transact everything requisite for the good government and support of the said church. Provided always, That the said rules, by-laws and ordinances be not repugnant to the laws and statutes in force within this commonwealth.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the said minister, churchwardens and vestrymen shall have full power and authority to make, have and use one common seal, with **device or** devices and inscription, as they shall think proper, and the same to change, break, alter and renew at their pleasure.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the said minister, churchwardens and vestrymen, and their successors, by the name

beforementioned, shall be able and capable in law to sue and be sued, plead and be impleaded, in any court or courts, before any judge or judges, justice or justices, in all and all manner of suits, complaints, causes, matters and demands of whatsoever kind, nature or form they be, and all and every other matter and thing therein to do, in as full and effectual a manner as any other person or persons, bodies politic or corporate, in this commonwealth, in the like cases may or can do.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the vestry of the said church shall always consist of fourteen persons, members of said church, of which number the churchwardens are to be always two; and that the election of such vestry shall be made every year, on Easter Monday, by a majority of such members of the said church, as shall appear by the vestry books to be contributors to the support and maintenance of the said church, having and paying for a pew, or part of a pew sufficient for one person at least, and to be of the age of twenty-one years, who only shall have a right to vote for the vestrymen of said church.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the said vestry, so elected, shall have full power to elect and choose annually, and every year, two of their number to be churchwardens, and one treasurer, of the said church. Provided always, That in case of the death or removal of the minister of the said church, from the death or removal of such minister, and until another shall be duly appointed and approved for the said church, the church warden, for the time being, with the consent of the major part of the vestrymen, shall have the same power and authority relating to the disposal of the rents and revenues of the said corporation, as is hereinbefore vested in the minister, churchwardens and vestrymen.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the clear yearly value of the messuages, houses, lands, tenements, rents, annuities, or other hereditaments and real estate of the said corporation, shall not exceed the sum of four thousand dollars.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the trustees appointed by virtue of the act referred to in the preamble of this act, their successors, executors and administrators, shall assign and transfer all bonds, specialities, mortgages and other securities, of what nature soever, taken in trust and for the use of the aforesaid congregation and church, and deliver over all sums of money in their or either of their possessions, belonging to the said church, unto the corporation hereby created; and the said corporation to have full powers to demand, sue for and receive the same; and so much of the aforesaid act as relates to the appointment of trustees, and vesting powers in the same, is hereby repealed.

Passed April 5, 1799. Recorded L. B. No. 6, p. 442, etc.

CHAPTER MMLIX.

AN ACT TO PROVIDE FOR REPAIRING THE BUILDINGS APPROPRIATED FOR THE EMPLOYMENT OF THE CRIMINALS FROM THE SEVERAL COUNTIES OF THIS STATE, IN THE CITY OF PHILADELPHIA.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor be, and he is hereby, authorized to draw his warrant on the treasurer of this commonwealth, in favor of the [treasurer of the] board of inspectors of the prison of Philadelphia, for such sum, not exceeding four thousand five hundred dollars, to be by the said board of inspectors appropriated to the purpose of repairing the buildings destroyed by fire in the prison yard, used for the employment of criminals in the city of Philadelphia, as may be necessary; and the board of inspectors shall settle their accounts with the register and comptroller-general, as soon as the repairs of said buildings are completed.

Passed April 8, 1799. Recorded L. B. No. 6, p. 431, etc.

CHAPTER MMLX.

AN ACT TO ERECT AND ALTER CERTAIN ELECTION DISTRICTS
WITHIN THIS COMMONWEALTH.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, the electors of the districts composed of the township of Fermanagh and Milford, in the county of Mifflin, shall hold their elections at the public school-house in Mifflintown, anything in any law contained to the contrary notwithstanding.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That, from and after the passing of this act, the township of Salt Lick, in the county of Fayette, shall be, and the same is hereby, erected into a separate election district; and the electors thereof shall hold their general elections at the house now occupied by Andrew Trapp, Esquire, in said township, to be called the sixth district, any law to the contrary notwithstanding.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That so much of the county of Allegheny as is hereafter described, viz., beginning on the line dividing Elder's and Cunningham's districts of depreciation land, five miles north of the mouth of Bull creek, being the southeast corner of Middlesex township; thence west twenty miles to the west side of Alexander's district of depreciation land, thence along the west line to the line dividing the depreciation and donation lands; thence east along the last mentioned line to the line dividing Elder's and Cunningham's districts aforesaid; thence south to the place of beginning, shall be a separate election district, and the electors thereof shall hold their elections at the house now occupied by Andrew McClure, in said district.

CHAPTER MMLXI.

AN ACT FOR ALTERING AND ERECTING CERTAIN ELECTION DISTRICTS WITHIN THIS COMMONWEALTH.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the township of Limerick, and such parts of the townships of Douglass and New Hanover, as lie southwest of a line beginning where the line of Berks county crosses the Fox Hill, in Douglass township aforesaid; thence extending along the summit of said hill until it intersects the road leading through Falkner's swamp to Philadelphia, near the house now occupied by the Reverend Frederick Wyereland, then extending down the said road to the line of Limerick township aforesaid, being part of the fifth election district in Montgomery county, are hereby erected into an election district, to be called the sixth election district; and the electors thereof shall hold their elections at the house now occupied by George Pfeiffer, in Pottstown, in the township of Douglass aforesaid. And the townships of Upper Hanover, Marlborough and Frederick, and so much of the townships of Douglass and New Hanover, as lies northeast of the line of the sixth election district, being part of the [said] fifth election district are hereby erected into an election district to be called the fifth election district; and the electors thereof shall hold their elections at the house now occupied by Henry Creps, in the township of New Hanover aforesaid.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the electors of Greene district, in the county of Greene, from and after the passing of this act, shall hold their elections at the house now occupied by John Burley, within said district.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That, from and after the passing of this act, the townships of Warwick and Rapho, in the county of

Lancaster, are hereby erected into a separate election district, to be called the seventh district; and the electors thereof shall hold their elections at the house now occupied by John Heintzelman. in the town of Manheim, in the township of Rapho aforesaid.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the electors of the townships of Donegal and Mount Joy, forming the third district, in the county aforesaid, shall hold their elections at the house of Alexander Boggs, formerly occupied [by] John Wolfey, near Elizabethtown, in the township of Donegal aforesaid.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the townships of Upper and Lower Mount Bethel, being part of the first district in the county of Northampton, shall, from and after the passing of this act, be a separate election district, to be called the seventh election district; and the electors thereof shall hold their elections at the house now occupied by Samuel Gulick, at or near the line of the said townships.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That that part of Beaver township, in Northumberland county, lying westward of the following line, viz: beginning at the house of Francis Long, at the foot of Jack's mountain, thence a south course to George Thomas's, at the foot of the Shade mountain, including the said Francis Long and George Thomas, thence, in the same direction, to the Mohontongo township line, being part of the sixth election district, shall be a separate election district, to be called the fourteenth district; and the electors thereof shall hold their elections at the house now occupied by Henry Groce, senior, in Beaver township aforesaid.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the township of Wharton, being part of the first election district in the county of Fayette, shall, from and after the passing of this act, be a separate election district, called the fifth election district, and the electors thereof shall hold their elections at the house now occupied by Samuel Bell, in said township.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the township of Manal-lin, now part of the third election district, in the county afore-said, shall be, and the same is hereby, annexed to the Union election district; and the electors thereof shall, from and after the passing of this act, hold their elections at the court-house, in the town of Union.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That Jefferson township, in the county of Greene, and such part of Morgan township, in said county, as lies east of the road leading from Waynesburg to the town of Washington, shall be a separate election district; and the electors thereof shall hold their elections at the house now occupied by Samuel Salmon, in the town of Jefferson; and that the remaining part of Woodruff's district be annexed to the district of Franklin township; and the electors thereof shall hold their elections at the same place with those of the same district.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That so much of Erie township, in the county of Allegheny, as lies within the following bounds, viz: beginning at the northeast corner of the triangle in said township, thence by the state line, dividing New York from Pennsylvania, south to the old line of Pennsylvania, thence west by said line to the two hundred and thirty-five mile tree, thence north to Lake Erie, and thence along said lake to the place of beginning, shall be a separate election district; and the electors thereof shall hold their elections at the house now occupied by Timothy Tuttle, in said district.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the following bounds, in the county of Allegheny, viz: beginning at the northwest corner of Power's district, thence south along the line of the state to the south-west corner of Power's district, thence east along the line of Power's district about eleven miles, thence north along a line that strikes the east side or outlet of the Little Comiott lake, and continuing the same line and course until it intersects the line dividing Power's and Rees' districts, and thence along said

line to the place of beginning, shall be a separate election district; and the electors thereof shall hold their elections at the house now occupied by John M'Gunnigle, in said district.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the following bounds, in the county of Allegheny, viz: beginning at the northwest corner of the state of Pennsylvania, thence south along the western boundary thereof ten miles, to the line dividing Rees' and Power's districts, thence east along said line twelve miles, thence north to Lake Erie, thence along said lake to the place of beginning, shall be a separate election district; and the electors thereof shall hold their elections at the house now occupied by Thomas Hamilton, in the town of Lexington, in said district.

[Section XIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the following bounds, in the county of Allegheny, viz: beginning at the southeast corner of the triangle, thence west along the old line of the state, to the election district established by the twelfth section of this act, thence south by said district to the line dividing Rees' and Power's districts, thence by said line east to the district established by the fourteenth section of this act, thence north to the place of beginning, shall be a separate election district; and the electors thereof shall hold their elections at the house now occupied by Daniel Henderson, in the town of Waterford.

[Section XIV.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That the following bounds, in Allegheny county, viz.: beginning at the southeast corner of the triangle in Erie township, thence east along the old line of the state to the Allegheny river, thence down the said river to the line dividing the late districts of McDowell and Nicholson, thence west by said line to Power's district, and thence north to the place of beginning, shall be a separate election district; and the electors thereof shall hold their elections at the house now occupied by William Miles, in said district.

[Section XV.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That the following bounds, in the county of Allegheny, viz: beginning at the Allegheny river,

at the division line between the depreciation and donation lands, thence west along said line to the northwest corner of Alexander's district, thence north to the division line between the third and fourth donation districts, thence east to the Allegheny river, thence down said river to the place of beginning, shall be a separate election district; and the electors thereof shall hold their elections at the house now occupied by James Buchannan, in said district.

[Section XVI.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That the following bounds, in the county of Allegheny, viz: beginning at the northwest corner of the fourth district of donation lands, thence east along the division line between the fourth and fifth districts of donation lands nineteen miles, thence south to the division line between the first and second districts of donation lands, thence west to the state line, thence north along said line to the place of beginning, shall be a separate election district; and the electors thereof shall hold their elections at the house now occupied by David Sample, in said district.

[Section XVII.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That from and after the passing of this act, the electors of the third election district in the county of Philadelphia, shall hold their elections at the house now occupied by John Sagars, junior, in Bustleton, anything in any law heretofore passed to the contrary in anywise notwithstanding.

[Section XVIII.] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That, from and after the passing of this act, the electors of the fourth election district in the county of Huntingdon, shall hold their elections at the house of Frederick Chrisman, in the town of Hollidaysburg.

[Section XIX.] (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That all that part of Heidelberg township, in the county of Dauphin, which lies north of a line drawn from the dwellinghouse of Jacob Mease, including the house of the said Jacob Mease, on the Lebanon township line, to intersect the line of Berks county at Zimmerman's mill, shall be, and the same is hereby, erected into a separate election

district, to be called the ninth election district; and the electors thereof shall hold their elections at the house now occupied by Godfrey Keiner, in Moyerstown. And the electors of that part of said township, lying south of the above described line, shall hold their elections at Heidelberg, as heretofore.

[Section XX.] (Section XX, P. L.) And be it further enacted by the authority aforesaid, That the townships of Greenwich and Albany, in the county of Berks, are hereby erected into a separate election district; and the citizens of said district shall hold their general elections at the house now occupied by Michael Croll, in the township of Greenwich aforesaid.

Passed April 8, 1799. Recorded L. B. No. 6, p. 424, etc.

CHAPTER MMLXII.

AN ACT TO AUTHORIZE THE LAYING OUT AND OPENING A ROAD FROM THE TOWN OF NEWBURY, IN THE COUNTY OF LYCOMING, TO THE ONE HUNDRED AND NINE MILE STONE, ON THE LINE DIVIDING THIS STATE FROM THE STATE OF NEW YORK.

Whereas many respectable inhabitants of the county of Lycoming, in this commonwealth, have presented their petition to the legislature, stating that the present road from the town of Newbury, near the mouth of Lycoming creek, to the Genesee country, is extremely bad, so as to be passable with great difficulty, and praying that a road might be opened by a new course, and it is reasonable that the prayer of their petitions should be granted, upon the terms hereinafter mentioned. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor be, and he is hereby, authorized to receive proposals for laying out and opening a road, not less than twenty feet wide, from the town of Newbury, in the county of Lycoming, to Morris' mills, from thence by the

best and most direct route to the northeast corner of Straw-bridge's marsh, or as near thereto as may be, and from thence by the nearest and best route to the one hundred and nine mile stone, on the line dividing this state from the state of New York, or as near as may be, which road, when surveyed, laid out and opened as aforesaid, is hereby declared to be a public highway.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the expense of laying out and surveying the said road, and all the charges incident thereto, shall, in the first instance, be paid by such of the citizens of the county of Lycoming, or other persons as may think proper to subscribe, for the purpose of defraying the expense thereof.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That after the said road shall have been laid out and opened, as is hereinbefore mentioned, the governor shall appoint a suitable person to view the said road, and make report to him; and if it shall appear by said report that a road or cart-way is actually laid out and opened, between the town of Newbury and the hundred and nine mile stone, in the state line, by the route hereinbefore mentioned, then and in that case, the governor is hereby authorized to draw his warrant on the state treasurer, for the sum of three thousand dollars, to reimburse the person or persons who were the subscribers for opening and laying out said road.

Passed April 8, 1799. Recorded L. B. No. 6, p. 437, etc.

CHAPTER MMLXIII.

AN ACT TO PREVENT THE ERECTION OF FISH-DAMS AND BASKETS IN THE RIVERS SCHUYLKILL, SUSQUEHANNA AND JUNIATA, AND THE BRANCHES THEREOF.

Whereas the existing laws for preventing the erection of fish-dams and baskets have been found insufficient, whereby those nuisances have of late been increased, to the manifest injury of

the navigation of the rivers Schuylkill, Susquehanna and Juniata, and the destruction of the fish in the said waters. For remedy whereof:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That if any person or persons shall, from and after the passing of this act, erect, repair, maintain or set up, or shall be aiding or assisting in erecting, repairing, maintaining or setting up any fish-dam, basket or pound, for taking fish, in the rivers Schuylkill, Susquehanna and Juniata, or their branches, which have been, or hereafter may be, declared public highways, every person or persons so offending, and being legally convicted thereof before any justice of the peace of the county where the offence is committed, or before the justices of the court of quarter sessions of the proper county, shall forfeit and pay the sum of thirty dollars, the one-half to the use of the informer or prosecutor, the other half to be applied as hereinafter directed.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That if any fish-dam, basket or pound, for taking fish, shall, from and after the passing of this act, be erected, repaired or set up in any of the said rivers, or their branches, opposite to and adjoining land on which any person or persons are settled and reside, every such person or persons are hereby enjoined and required, within ten days after the same has been erected, repaired or set up, to give notice thereof to the supervisor or supervisors of the roads within their respective townships, or to the next justice of the peace in the county; and on neglect or refusal to give such information, he or they so offending, shall forfeit and pay the sum of forty dollars, to be recovered in the manner aforesaid, one-half to the use of the informer or prosecutor, and the other half to be applied for the purpose of improving the public roads and highways within the proper county.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the supervisors of the roads in the respective township or townships, which shall be bounded by

or adjoining to any part of either of the said rivers, or their branches, which have been, or hereafter may be, declared public highways, shall be, and are hereby, enjoined and required to view and inspect, once at least in fifteen days, from the first day of August to the first day of December, in every year, such parts of the said rivers as shall be adjoining his or their respective townships, or bounding on the same; and if, on any such view, he or they shall find any fish-dam, basket or pound, for taking fish, within the said rivers, he or they shall thereupon give notice to the next justice of the peace, which justice is hereby authorized and empowered to issue a precept, directing the said supervisor or supervisors to throw down, remove and destroy all such dams or baskets; and the said supervisors are hereby authorized and empowered to assess and collect from the inhabitants of the township or townships wherein any such dam, basket or pound shall have been, or hereafter may be, erected, such sums of money as shall be found necessary to remove all such nuisances, in the same manner and under the same regulations and restrictions, as moneys by law now are levied and collected for the improvement of roads within this commonwealth. Provided, That where any part of the said rivers, or the branches thereof, is a boundary between two counties, or between two townships in the same county, in both cases the townships on each side of the said rivers, or the branches thereof, where any fish-dam, basket or pound, for taking fish, shall be erected, maintained or set up, shall be equally charged, with the expense of prostrating the same. And if any supervisor or supervisors shall neglect or refuse to perform the duties enjoined on him or them by this act, he or they, so offending, shall forfeit and pay the sum of forty dollars, to be recovered and applied in the manner prescribed by the first and second sections of this act. Provided always, That if any person or persons shall be convicted under this act before any justice of the peace, he or they shall have a right to appeal to the court of quarter sessions, within ten days after such conviction, and be entitled to a trial by jury.

Passed April 8, 1799. Recorded L. B. No. 6, p. 429, etc. See Act of March 28th, 1785; Chapter 1146, for the regulation of fishing in the Schuylkill River.

CHAPTER MMLIV.

AN ACT FOR REGULATING THE FEES IN THE OFFICE OF THE SURVEYOR-GENERAL OF THIS COMMONWEALTH.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, the fees receivable by the surveyor-general shall be as follows, viz: receiving, registering and filing every warrant for surveying of land, under the signature of the governor, and the lesser seal of the commonwealth, and directing a copy thereof to the deputy-surveyor, one dollar and twenty-five cents; acceptance fees (to be paid by the deputy-surveyor) on every return, fifty cents; for every certificate of a note by a deputy-surveyor to operate as a caveat, twenty-five cents; issuing a ticket to the secretary's office, certifying the quantity of land returned upon each warrant, application or improvement, forty cents; for each return of survey to file a patent in the secretary's office, and recording the same, three dollars; copy of a draught without the seal of office, to accompany the patent, forty cents; copy of a single draft or warrant without seal, except the draught, to accompany patent as above specified, fifty cents; copy of an old warrant or application, that has not been executed, directed to the deputy-surveyor, forty cents; copy of a warrant or single draught, under seal of office, fifty cents; copy of a general draught, for each tract of land above one in said draught, twenty cents; certifying and affixing the seal of office to said copy, twenty-five cents; connecting separate draughts into one general draught, for each separate draught therein, twenty-five cents; certifying and affixing the seal of office to the same, twenty-five cents; for every search, twenty-five cents; for every warrant issued by the surveyor-general under his signature, twenty-five cents; for affixing the seal of office to the same twenty-five cents.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That so much of the act, entitled, "An act establishing an explicit fee bill," passed the twentieth day of April, one thousand seven hundred and ninety-five, as respects the fees in the surveyor-general's office, be, and the same is hereby, repealed.

Passed April 8, 1799. Recorded L. B. No. 6, p. 428, etc.

CHAPTER MMLV.

AN ACT PROVIDING FOR THE DISTRIBUTION OF THE JOURNALS OF THE SENATE AND OF THE HOUSE OF REPRESENTATIVES OF THIS COMMONWEALTH.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the printers of the journals of the senate and of the house of representatives shall deliver the said journals to the secretary of this commonwealth, within thirty days after the close of each session of the legislature, and the said secretary is hereby authorized and directed, after delivering to the clerks of the senate and of the house of representatives, a sufficient number of copies for the use of their respective houses and the members thereof, to cause to be transmitted to the prothonotaries of the respective counties of this state, as soon as may be after the receipt thereof, such number of [the remaining] copies of the said journals of each branch of the legislature, as the counties respectively will be entitled to, in proportion to the number of representatives that each county may have in the legislature of this commonwealth; and the expense of transmitting the same shall be paid out of the funds appropriated for the support of government.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the prothonotary of the counties respectively shall, as soon as may be after the said journals shall have come into their possession, deliver the same to the commissioners of the proper county, who shall proceed, without delay, to distribute them among their several townships, as nearly as may be in proportion to the number of taxable inhabitants in each township.

Passed April 9, 1799. Recorded L. B. No. 6, p. 428.

CHAPTER MMLXVI.

AN ACT TO CONTINUE AND AMEND THE EXISTING LAWS FOR THE REGULATION OF THE PORT AND HARBOR OF PHILADELPHIA.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the act, entitled, "An act to establish a board of wardens for the port of Philadelphia, and for other purposes therein mentioned," passed the eleventh day of April, one thousand seven hundred and ninety-three,¹ excepting only the twenty-fifth, twenty-seventh and thirty-fifth sections, and so much of the thirty-first section thereof as limits the compensation of the master warden, and that [of] the clerk of the board of wardens be, and the same is hereby, continued and made perpetual; and that the act, entitled, "A further supplement to the act to establish a board of wardens for the port of Philadelphia, and for other purposes therein mentioned,"² excepting only the limitation thereof, be, and the same hereby is, renewed and continued for and during the term of three years from and after the passing of this act, and from thence until the end of the next session of the general assembly, and no longer.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That in all cases where any license has been or shall be given by the board of wardens of the port of Philadelphia, to erect any wharf or building beyond the original low water mark of the river Delaware, the person to whom such license has been or shall be [so] granted shall, within six months after the passing of this act, or the date of the said license, erect such wharf or building, otherwise the said license shall be of no effect.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That if any person shall hereafter erect, make or fix, or cause to be erected, made or fixed, on any wharf within the city and liberties of Philadelphia, any building, inclosure or other obstruction, whereby a free passage over and along the same shall be impeded or prevented, every such person shall forfeit [any] pay for every such offence, one hundred dollars, to be recovered in the same manner, and for the same uses, as is directed in and by the twenty-third section of the said first recited act; and the said wardens shall cause such building, enclosure or obstruction to be abated or removed, if the owner or occupier of any such wharf shall neglect or refuse to abate or remove the same on three days' notice from the said board of wardens. Provided always nevertheless, That nothing hereinbefore contained shall be taken or construed in anywise to prevent any such owner or occupier from depositing, during a reasonable time, on any such wharf goods, wares and merchandise, unladen from, or about to be shipped on board of any ship or vessel, or for the purpose of being stored, always allowing a sufficient passage for carts, wagons and drays, nor in anywise to hinder any person, otherwise entitled so to do, from erecting any building or enclosure on any part of such wharf lying to the westward of such original low water mark or tideway of the river Delaware.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That, from and after the passing of this act, there shall be paid by every pilot, obtaining a license or

branch to authorize him to act as a pilot for the bay and river Delaware, the sum of fifty cents, to be applied for the support of the warden's office.

Passed April 9, 1799. Recorded L. B. No. 6, p. 432, etc.

CHAPTER MMLXVII.

AN ACT TO PROVIDE FOR THE PAYMENT OF A SMALL CORPS OF MILITIA, STATIONED AT GREENSBURG, IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND NINETY-FOUR.

Whereas it hath been represented to the legislature, by the petition of a number of the inhabitants of the town of Greensburg, and its vicinity, in the county of Westmoreland, that an armed force had threatened an attack on the said town, and the vicinity thereof, during the insurrection in the year one thousand seven hundred and ninety-four, in consequence of which the petitioners and others requested General William Jack to call a small corps of militia to support the laws, and to preserve the tranquility of the said town, and the neighborhood thereof, for the payment of which company the petitioners and others became responsible, if not paid by government. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor be empowered, and he is hereby directed, to draw an order on the treasurer of Westmoreland county, in favor of General William Jack, for the purpose of paying the expenses which accrued by the raising and victualing said company, the sum of three hundred and twenty-six dollars; which sum the treasurer of Westmoreland county is hereby directed to pay out of any moneys that may come into his hands, due from said county to this state.

Passed April 9, 1799. Recorded L. B. No. 6, p. 432.

CHAPTER MMLXVIII.

AN ACT FOR THE REGULATION OF THE MILITIA OF THE COMMONWEALTH OF PENNSYLVANIA.

[Section I.] (Section I, P.-L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That each and every free able bodied white male citizen of this or any other of the United States, and every other free able bodied white male person, who has been resident in this commonwealth for six months previous to the time of his enrollment, who is or shall be of the age of eighteen years and under the age of forty-five years, except as hereinafter excepted, shall severally and respectively be enrolled in the militia, by the captain or commanding officer of the company within whose bounds such citizen or other person as above described shall reside, and that it shall be, at all times hereafter, the duty of such captain or commanding officer to enroll, or cause to be enrolled, every such citizen and other person resident as aforesaid, and also those who shall, from time to time, arrive at the age of eighteen years, or being of the age of eighteen years and under the age of forty-five years, or become resident as aforesaid, and not excepted by this act, shall come to reside within his bounds, and shall, without delay, notify such citizen or other person of such enrollment, by a printed or written notice, to be left at the dwelling house of the person so enrolled by a sergeant of the company, by whom such notice may be proved; and in all cases of doubt respecting the age or residence of any person enrolled, or intended to be enrolled, the party shall prove his age or residence to the satisfaction of the officers of the company within whose bounds he may reside, or a majority of them; and it shall be the duty of the said captain or commanding officer, and it is hereby enjoined upon him, to take, or cause to be

taken, an accurate list of all the persons subject to militia duty, who shall have been enrolled by him as aforesaid in the militia, noting, as precisely as possible, the particular age of each person enrolled, and also to take, or cause to be taken, another list of such persons residing within the bounds of his company, subject to militia duty, who shall decline to be enrolled as aforesaid, who shall be considered as exempts, or persons exempted from training with the militia in regiments and companies, as is directed by this act,—but not as persons exempted from their tour of duty, when the militia of this state, or any detachment thereof, shall be called into actual service; and the said captain or commanding officer shall, under the penalty of twenty dollars for every such neglect or refusal, yearly, and every year, on or before the fifteenth day of April, deliver, or cause to be delivered, a full and complete list or roll, on oath or affirmation, as well of the persons so enrolled by him, as of the exempts residing within his bounds, to the brigade inspector; and it shall be the duty of the said brigade inspector, within twenty days after he shall have received the said lists or rolls as aforesaid, to deliver or safely transmit to the commissioners of the county, in which he shall reside, under the penalty of twenty dollars, and shall incur a further fine of twenty dollars for every month's delay after the expiration of the said twenty days, to be recovered by the treasurer of the state, for the use of the commonwealth, a true and accurate list of the said exempts, so as aforesaid returned to him by the captains or commanding officers of the respective companies; and thereupon the said county commissioners shall fine or charge the persons so returned to them as exempts, in their county duplicates, the sum of six dollars each, over and above the amount of their taxes, keeping the account of the said fines in a separate and distinct column from the county tax; and it shall be the duty of the said commissioners to direct and cause the said exempt fines to be collected at the same time, and in the same manner, in which the county tax is directed by law to be collected, except as to the discretion of exoneration invested in the commissioners in other cases, and in like manner to be paid and received in the treasury of the county; and the county

treasurers, respectively, are hereby directed to keep separate and distinct accounts of all the moneys so by them received for exempt fines, in pursuance of this act; and the said county treasurers, respectively, shall settle with the register-general, and pay yearly to the treasurer of the commonwealth, all such fines from exempts, as they shall receive by virtue of this act. Provided always, That no person, who shall be enrolled as aforesaid, shall be called upon to exercise with the militia in regiments and companies, as is directed by this act, until he shall arrive at the age of twenty-one years, but in case of actual war, invasion or rebellion of this or any of the United States, then the persons enrolled, who shall be of the age of eighteen years, and all such persons who are described in this act under the denomination of exempts, shall be called upon to perform their respective tours of duty, in like manner and under the same penalties with the other militia of this state.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the vice-president of the United States, officers judicial and executive of the government of the United States, the members of both houses of congress and their respective officers, all custom house officers with their clerks, all post officers, and stage drivers who are employed in the care and conveyance of the mail of the United States, all ferrymen employed at any ferry on the post roads, all inspectors of exports, all pilots, all mariners actually employed in the sea service of any citizen or merchant within the United States, ministers of religion of every denomination, professors and teachers in the university, colleges, academies and schools, judges of the supreme court and presidents of the courts of common pleas, menial servants of ambassadors, ministers and consuls from foreign states, sheriffs, gaolers and keepers of work houses, and no other person or persons, shall be, and are hereby, excepted from militia duty, notwithstanding their being above the age of eighteen years and under the age of forty-five years.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the militia of this commonwealth shall, within the respective bounds hereinafter mentioned,

be arranged into divisions, brigades, regiments, battalions and companies; that each brigade so to be formed shall consist of four regiments, each regiment of two battalions, and each battalion of four companies, exclusive of the flank companies, in such manner that no company shall consist of more than one hundred, or less than sixty-four privates, or as near as may be, having regard to their local situations; there may be to each battalion one company of grenadiers, light infantry or riflemen, which company shall be formed within the bounds of the regiment; and to each division there may be at least one company of artillery, which company shall be furnished with one piece of ordnance at the expense of the state, and one troop of horse, which shall be formed of volunteers in their respective brigades, at the discretion of the governor, not exceeding one company of each to a regiment, nor more in number than one-eleventh part of the infantry. Provided always, That the several volunteer corps of artillery, cavalry, infantry and riflemen, which have hitherto existed in this commonwealth and have not been included in the general formation of the militia, shall continue to exist as heretofore.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the territory of the commonwealth be, and it is hereby, divided into division bounds, as follows, to wit: the city and county of Philadelphia shall form one division; the counties of Bucks and Montgomery one other division; the counties of Chester and Delaware one other division; the county of Lancaster one other division; the county of York one other division; the counties of Berks and Dauphin one other division; the counties of Cumberland and Franklin one other division; the counties of Northampton and Wayne one other division; the counties of Northumberland, Lycoming and Luzerne one other division; the counties of Mifflin and Huntingdon one other division; the counties of Bedford, Fayette and Somerset, one other division; the counties of Washington and Greene one other division; and the counties of Westmoreland and Allegheny one other division; the city of Philadelphia shall form one brigade; and each division shall form two brigades; and when, from

the increase of population, the number of men in some companies of a regiment shall become greatly disproportionate to the number in other companies, the field officers of such regiment are hereby authorized to make such arrangements and distributions of the men, as in their discretion shall be convenient and proper, in order to equalize the number in the several companies.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That there shall be two colors or standards, provided at the expense of the state, for every regiment, so that each battalion may have one, and they shall be uniform throughout the state, and of the following dimensions and devices, to wit: the length or height of the staff of each of the said colors shall be at least nine feet, with a brass spear on the top thereof, the fly of each of the said colors shall be six feet six inches in length, and four feet six inches in height on the staff; on the fly of one of the said colors, to be made of a dark blue colored silk, there shall be painted an American eagle, with expanded wings, supporting the arms of the state, or some striking part thereof; in the upper corner, next to the staff, there shall be inserted, in white letters and figures, the number of the regiment, and the word Pennsylvania, encircled or ornamented with thirteen white stars; the fly of the other color shall be composed of thirteen red and white alternate stripes, with the upper corner, next to the staff, colored and appropriated as above directed; and each color shall be ornamented with two silk tassels; and the governor is hereby authorized to cause two colors or standards to be made, as soon as convenient, according to the above directions, and lodged in the office of the secretary of the commonwealth, and preserved as models for the colors of the state, agreeably to which all the regimental colors of this commonwealth shall hereafter be made; and the uniform or military dress of the militia of this state shall be as follows, to wit: a blue coat, faced with red, and the lining thereof white or red, the buttons to correspond with the color of the same; and the uniform of the general officers and the officers of the staff may be blue faced with buff.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the commissioned officers of infantry shall severally, at their own expense, be armed with a sword or hanger, and an esponton, and those of artillery with a sword or hanger, a suzee, bayonet and belt, and a cartridge box to contain at least twelve cartridges; the commissioned officers of the several troops of horse shall furnish themselves with good horses, of at least fourteen hands and an half high, and shall be armed with a sword and a pair of pistols, the holsters of which shall be covered with bear skin caps; each light horseman or dragoon shall furnish himself with a serviceable horse, of at least fourteen hands and an half high, a good saddle, bridle, mail pillion, and valise, holsters and [a] breast plate and crupper, a pair of boots and spurs, a pair of pistols, the holsters of which shall be covered with bear skin caps, a sabre and cartouch box, to contain at least twelve cartridges for pistols; and every person so enrolled and provided with arms, ammunition and accoutrements, required as aforesaid, shall hold the same exempted from all suits, distresses, executions or sales for debt, or for the payment of taxes.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the militia shall be officered as follows: to each division one major-general and two aides-de-camp, with the rank of major; to each brigade one brigadier-general and one brigade-major, with rank of major; to each regiment one lieutenant-colonel commandant; and to each battalion one major; to each company of infantry (including light infantry, riflemen and grenadiers) one captain, one lieutenant, one ensign, four serjeants, four corporals, one drummer and one fifer or bugler. There shall be a regimental staff, to consist of one adjutant and one quarter-master, to rank as lieutenants, one pay-master, one suregon, one surgeon's mate, one serjeant-major, one quarter-master serjeant, one drum-major, and one fife-major. There shall be to each company of artillery one captain, two lieutenants, four serjeants, four corporals, six gunners, six bombardiers, one drummer and one fifer; and to each troop of horse there shall be one captain, two lieutenants, one

cornet, four serjeants, four corporals, one saddler, one farrier, and one trumpeter. There shall be an adjutant-general, with the rank of brigadier-general, appointed for the whole militia; and it shall be the duty of the first serjeant of every company to act as clerk of the company, and to do and perform all such things as shall be required of him by this or any other act of assembly of this commonwealth.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the adjutant-general, majors-general, brigadier-general and brigade-inspectors, shall be appointed and commissioned by the governor, the division and brigade officers to be residing within their respective division and brigade bounds; that the majors-general shall appoint their own aides-de-camp; and the brigadiers-general their brigade-majors; that the field officers of each regiment shall appoint their respective regimental staffs; that the lieutenant-colonels, majors, captains, lieutenants and ensigns shall be elected, in form and manner hereinafter mentioned and provided for, but no person shall be eligible, or hold a commission in the militia, who is not a citizen of the United States; that all commissioned officers shall be commissioned during seven years, if they shall so long behave themselves well, and shall take rank according to the date of their commissions, and when two of the same grade bear an equal date, then their rank shall be determined by lot, to be drawn by them before the commanding officer of the detachment; and if any commissioned officer shall remove out of the bounds of the city of Philadelphia, or out of the bounds of his proper county, for more than nine months, his office shall thereby become vacant.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the duty of the adjutant-general shall be to distribute all orders from the governor, as commander in-chief of the militia of this state, to the brigade-inspectors, or to the several corps, when in actual service, to attend all public reviews, when the governor shall review the militia, to obey all orders from him relating to the carrying into execution and per-

fecting the system of military discipline established by this act, to furnish blank forms of [the] different returns that may be required, for which blank forms he shall be allowed in the settlement of his accounts with the register-general, and to explain the principles on which they should be made, to receive from the several officers of the different corps throughout the state returns of the militia under their command, reporting the actual situation of their arms, accoutrements and ammunition, their delinquencies, and every other thing which relates to the general advancement of good order and discipline, all which the several officers of the divisions, brigades, regiments and battalions are hereby required to make, in such manner as the governor shall direct, so that the said adjutant-general may be furnished therewith, from all which returns he shall make a general return of all the militia of the state, and lay the same before the governor, and a duplicate thereof before the president of the United States; that the said adjutant-general, before he enters upon the exercise of the duties of his office, shall give bond, with two or more sufficient sureties, in the penalty of five thousand dollars, conditioned for the due and faithful performance of the said duties, and shall, in full compensation for his services, receive a yearly salary of eight hundred dollars.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the governor [be], and he hereby is, authorized to commission one brigade-inspector in each brigade for seven years, whose duty it shall be, once in every year, to inspect the arms, ammunition and accoutrements of the militia composing his brigade, to execute all orders which he may receive from the commander-in-chief, to make returns to the adjutant-general, at least once in every year and at such other times as thereunto required, to superintend the elections of field officers, and, between the first and last days of March in every year, to issue his warrant, directed to the commanding officer of each company, or to some other fit person of each company in the brigade, commanding him to deliver to the said inspector, within ten days from the date of the said warrant, (on oath or affirmation, which the said inspectors are hereby severally empowered

to administer) a true and exact list of the names, surnames and ages of each and every free able bodied male white citizen, or other person, residing within the bounds of his company, between the ages of eighteen and forty-five years, (not being such as are above declared exempted from militia duty) and one other list, containing the names and surnames of all such persons enrolled as aforesaid, who may choose to become exempt for one year, designating in each list the class to which each person belongs, under the penalty of twenty dollars; and the said inspector, when he has received the said returns, shall make out three lists of all the exempts in his brigade, and deliver one list to the commissioners of taxes of the proper county, and shall forward one list to the state treasurer, and the other to the register-general; and it shall also be the duty of each brigade inspector, when any class or classes of the militia are called to perform any tour of duty, immediately to notify every commissioned officer, whose tour of duty it may be, and shall cause each non-commissioned officer and private so called to be notified by a written or printed notice, in the following words: "Take notice that you are hereby required personally, or by [sufficient] substitute, to appear at _____, properly armed and equipped for service, at the hour of _____, on _____, to march where required. Appeals to be heard at _____, on the _____ day of _____. Given under my hand _____," by being delivered to him personally, or left at his house or usual place of abode, at least three days before the time of assembling the said militia, by the commanding officer of each company, or by a serjeant under his orders, who shall prove such notice on oath or affirmation, unless the governor, on a sudden exigency, shall think proper to order any part of the militia into immediate and actual service, in which case the notice, mentioning such special order, shall be given for immediate attendance; and any [person] refusing or neglecting to perform such tour of duty shall pay a fine of sixteen dollars per month for every such offence; and it shall further be the duty of the brigade-inspector, forthwith after the marching of any part of the militia, to call to his assistance two respectable citizens, one whereof shall be a justice of the peace, to sit at the

places named in the notices above directed to be served upon every militiaman so called out, and shall [there] hear and determine all appeals that may be made by the persons thinking themselves aggrieved by anything done in pursuance of this act, and they are hereby authorized and required to grant such relief to such appellants, as to them shall appear just and reasonable; and each of the said reputable citizens, before they enter on the said duties, shall take the following oath or affirmation, viz: "That he will hear and impartially determine on the cases of appeal which may be laid before him, agreeably to law, and according to the best of his knowledge;" which oath or affirmation the inspector is hereby empowered to administer; and the said justice and citizen shall have and receive from the said inspector the sum of one dollar each, for every day they shall sit on the said appeals; and the said inspector and justice of the peace shall each keep a separate record of the proceedings of such court of appeals; and the said inspector shall, within twenty days after such determination of appeals, make out and deliver, or cause to be delivered, to the state treasurer, the register-general, and to the county commissioners of the proper county, each a list of all such delinquents, as well those whose appeals shall have been determined against them, with the sums due by each respectively; and that each inspector shall receive for his services the yearly salary of forty dollars for each regiment belonging to his brigade, and receive such reasonable allowance for stationery, printing, and for such just and reasonable expenses as he may have incurred, or shall hereafter incur, for providing and repairing drums, colors, artillery carriages and other incidental expenses, as he shall make appear to the register and comptroller-general to be really necessary; and, before he enters upon the duties of his office, he shall give bond, with one or more sufficient sureties, in the penal sum of one thousand dollars, conditioned for the due and faithful performance of his duties, and for the faithful accounting for and paying over all the moneys which shall come to his hands by virtue of this act; and each of the said inspectors shall, once in every twelve months, make out complete accounts of all moneys by him received, and of his expenditure, and re-

turn the same to the register-general, or in default thereof, shall forfeit and pay the sum of one [thousand] dollars; and on the death, removal or resignation of any of the said inspectors, such inspector, his executors or administrators, shall deliver up to his successors in office, or some other person duly authorized by the governor to receive the same, all and singular the books, papers and documents belonging to, or in use in, the said office, and on refusal thereof, he or they so offending shall forfeit the sum of one thousand dollars, to be recovered by action of debt, in any court of record within this state.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid. That the elections of such officers as are by this act declared to be elective, shall be made as follows: The several brigade inspectors shall, between the [first] day of May, and the first day of August in the year one thousand eight hundred, give notice, by advertisements at eight or more of the most public places of each regiment bounds or districts, appointing a certain day for each district, not less than ten days after the said notice, and requiring all the enrolled inhabitants in the said regiment, and residing within the bounds thereof, to meet at a certain place, as near the center of the said district as may be, and then and there, between the hours of ten in the morning and six in the afternoon of the said day, to elect by ballot one lieutenant-colonel; and the enrolled inhabitants of each battalion bounds, respectively, shall elect by ballot as aforesaid, on the same or some other day, and at such place or places as shall be most convenient, but with the least possible delay, one major; and the enrolled inhabitants of each company bounds respectively shall elect by ballot as aforesaid, on the same or some other day, and at such place or places as shall be most convenient, but with the least possible delay, one captain, one lieutenant and one ensign; previous to which said election or elections, respectively, the said enrolled inhabitants shall elect two respectable citizens to preside as judges thereof, who shall certify to the inspector the names of the persons so elected; and the said inspector shall attend and superintend each and every of the said battalion elections, and, after the officers are elected,

shall give notice thereof to the persons elected, and transmit to the governor a proper return of the officers elected, mentioning the number of the regiment, the name of each person and their respective ranks, in order that commissions may be granted agreeably to the intent of this act. And elections for officers in the light horse shall be made in like manner as elections for officers in the infantry and artillery. And in every case of future vacancy, whether by death, resignation or absence, as hereinafter provided, the brigadier in whose brigade such vacancy or vacancies shall happen shall, immediately upon receiving notice thereof, cause one or more regiment, battalion or company elections to be held, in manner and form aforesaid, in order to supply the same, and shall, when there shall be occasion, cause the ranks to be ascertained, and make return to the governor, in manner hereinbefore provided; and whenever any vacancy or vacancies shall happen as aforesaid in any regiment, battalion or company, the commanding officer of such regiment, battalion or company, for the time being, shall give immediate notice thereof to the inspector of his brigade, that the same may be filled up without loss of time; and if any regiment, battalion, troop or company, being duly noticed and required as aforesaid, shall neglect or refuse to elect their officers as aforesaid, then it shall and may be lawful for the inspector of the brigade to which such regiment, battalion, troop or company shall belong, to nominate, if the said election was to have been held for a field officer or officers, with the approbation of the brigadier-general, and if for a company officer or officers, with the approbation of the field officers of the regiment, one suitable person to the governor, in the room of each officer so neglected to be chosen; and the governor approving thereof shall commission the said person, which shall be as effectual to all intents and purposes as if the said officers had been elected as before directed; and the said inspector [shall], as soon as may be, acquaint the parties so neglecting or refusing with the appointments that shall have been made as aforesaid; but no change shall take place, either in the divisions, brigades, or the numbers of the regiments of the city or the several counties of this commonwealth, until after the expiration of the seven years

for which the officers were elected and commissioned under the directions of an act, passed on the eleventh day of April, one thousand seven hundred and ninety-three, entitled, "An act for the regulation of the militia of the commonwealth of Pennsylvania;"¹ but that all commissions which may have issued to fill any vacancies, subsequent to the first election held in conformity to the said act, shall expire and cease to be of effect at the end of seven years from the time of holding the said first general election for the several and respective regiments, so that an entire and general election of all the officers of all and every of the regiments throughout the commonwealth shall take place, according to the directions and intent of this act, at the completion and expiration of seven years from the time of holding the first election aforementioned under the before recited act, any term mentioned in any commission or commissions granted by the governor notwithstanding.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That, in order to give respectability and permanency to the militia arrangements, all the regiments of this state shall be numbered and called as follows, to wit:

In the city of Philadelphia the regiment commanded by Lieutenant-Colonel Gurney shall be No. 24; by Lieutenant-Colonel Guyer No. 25; by Lieutenant-Colonel Nichols No. 28; by Lieutenant-Colonel McLane No. 50; and by Lieutenant-Colonel Scott No. 84.

In the county of Philadelphia the regiment commanded by Lieutenant-Colonel Shrupp shall be No. 42; by Lieutenant-Colonel Patterson No. 67; by Lieutenant-Colonel Franks No. 75; by Lieutenant-Colonel Worrell No. 80; and by Lieutenant-Colonel Coats No. 88.

In the county of Bucks the regiment commanded by Lieutenant-Colonel Smith shall be No. 15; by Lieutenant-Colonel Erwin No. 31; by Lieutenant-Colonel Hanna No. 32; and by Lieutenant-Colonel Hart No. 48.

In the county of Chester the regiment commanded by Lieutenant-Colonel Whelen shall be No. 27; by Lieutenant-Colonel Harris No. 44; by Lieutenant-Colonel Corrys No. 47; by Lieutenant-Colonel Craig No. 85; by Lieutenant-Colonel Heister No. 92; and by Lieutenant-Colonel Boyd No. 97.

In the county of Lancaster the regiment commanded by Lieutenant-Colonel Hambright No. 5; by Lieutenant-Colonel Ensinger No. 7; by Lieutenant-Colonel Strickler No. 34; by Lieutenant-Colonel Mills No. 60; by Lieutenant-Colonel Foutz No. 98; by Lieutenant-Colonel Steel No. 104; by Lieutenant-Colonel Ream No. 120; and by Lieutenant-Colonel Mosher No. 121.

In the county of York the regiment commanded [by] Lieutenant-Colonel Shearman shall be No. 9; by Lieutenant-Colonel Read No. 20; by Lieutenant-Colonel Campbell No. 40; by Lieutenant-Colonel Kelly 41; by Lieutenant-Colonel May No. 61; by Lieutenant-Colonel King No. 93; by Lieutenant-Colonel Diehl No. 111; and by Lieutenant-Colonel Edie No. 113.

In the county of Cumberland the regiment commanded by Lieutenant-Colonel Alexander shall be No. 12; by Lieutenant-Colonel Mitchell No. 21; by Lieutenant-Colonel Anderson No. 49; by Lieutenant-Colonel Lusk No. 59; by Lieutenant-Colonel McFarland No. 87; and by Lieutenant-Colonel McDonald No. 116.

In the county of Berks the regiment commanded by Lieutenant-Colonel Frailey shall be No. 43; by Lieutenant-Colonel Spang No. 69; by Lieutenant-Colonel Moyers No. 79; by Lieutenant-Colonel Lower No. 95; by Lieutenant-Colonel Bauna No. 110; and by Lieutenant-Colonel Gehr No. 114.

In the county of Northampton the regiment commanded by Lieutenant-Colonel McFarren shall be No. 8; by Lieutenant-Colonel Grim No. 13; by Lieutenant-Colonel Bachman No. 38; by Lieutenant-Colonel Mulhallon No. 71; by Lieutenant-Colonel Rinker No. 94; by Lieutenant-Colonel Bauchman No. 101; by Lieutenant-Colonel Starbird No. 115; and by Lieutenant-Colonel Kern No. 118.

In the county of Westmoreland the regiment commanded by Lieutenant-[Colonel] Bonnet shall be No. 2; by Lieutenant-Colonel Kuhn No. 19; by Lieutenant-[Colonel] Craig No. 30; by Lieutenant-Colonel Powers No. 54; by Lieutenant-Colonel Halferty No. 63; and by Lieutenant-Colonel Hunter No. 70.

In the county of Northumberland the regiment commanded by Lieutenant-Colonel McKenny No. 18; by Lieutenant-Colonel Kelley No. 39; by Lieutenant-Colonel Price No. 77; by Lieutenant-Colonel Montgomery No. 81; by Lieutenant-Colonel Lazarus No. 106; by Lieutenant-Colonel Salmon No. 112; and by Lieutenant-Colonel Tietsworth No. 123.

In the county of Franklin the regiment commanded by Lieutenant-Colonel Parker No. 1; by Lieutenant-Colonel Rhea No. 73; by Lieutenant-Colonel Elliott No. 64; by Lieutenant-Colonel Johnston No. 68; and by Lieutenant-Colonel Miller No. 96.

In the county of Montgomery the regiment commanded by Lieutenant-Colonel Pugh shall be No. 36; by Lieutenant-Colonel Wentz No. 51; by Lieutenant-Colonel Hines No. 56; and by Lieutenant-Colonel Markley No. 86.

In the county of Dauphin the regiment commanded by Lieutenant-Colonel Woods shall be No. 3; by Lieutenant-Colonel Forster 66; by Lieutenant-Colonel McKee No. 78; and by Lieutenant-Colonel Shaufler No. 117.

In the county of Luzerne the regiment commanded by Lieutenant-Colonel Ransom shall be No. 35; by Lieutenant-Colonel Faulkner No. 45; [and] by Lieutenant-Colonel Franklin No. 57.

In the county of Mifflin the regiment commanded by Lieutenant-Colonel McFarlane shall be No. 11; by Lieutenant Sterrett No. 52; by Lieutenant-Colonel Williamson No. 74; by Lieutenant-Colonel Nelson No. 83; and by Lieutenant-Colonel Holt No. 89.

In the county of Delaware the regiment commanded by Lieutenant-Colonel Levis shall be No. 65; and by Lieutenant-Colonel Wilcocks No. 110.

In the county of Huntingdon the regiment commanded by Lieutenant-Colonel Moore shall be No. 14; by Lieutenant-Colonel Fee

No. 33; by Lieutenant-Colonel Cromell No. 46; by Lieutenant-Colonel Holliday No. 58; and by Lieutenant-Colonel Spencer No. 119.

In the county of Allegheny the regiment commanded by Lieutenant-Colonel Patterson shall be No. 16; by Lieutenant-Colonel Forster No. 17; by Lieutenant-Colonel Sprout No. 26; by Lieutenant-Colonel Gilland No. 29; by Lieutenant-Colonel McNair No. 62; by Lieutenant-Colonel Wilson No. 76; and by Lieutenant-Colonel McDowell No. 107.

In the county of Washington the regiment commanded by Lieutenant-Colonel Stockely shall be No. 22; by Lieutenant-Colonel Marshall No. 23; by Lieutenant-Colonel Hamilton No. 53; by Lieutenant-Colonel Williamson No. 82; and by Lieutenant-Colonel Jenkins No. 99.

In the county of Greene the regiment commanded by Lieutenant-Colonel Woolverton shall be No. 6; and by Lieutenant-Colonel Swan No. 122.

In the county of Fayette the regiment commanded by Lieutenant-Colonel Paul shall be No. 72; by Lieutenant-Colonel Springer No. 90; by Lieutenant-Colonel Lynn No. 91; and by Lieutenant-Colonel Whaley No. 108.

In the county of Bedford the regiment commanded by Lieutenant-Colonel Patterson shall be No. 55; and by Lieutenant-Colonel Ward No. 105.

In the county of Somerset the regiment commanded by Lieutenant-Colonel Stall shall be No. 10; and by Lieutenant-Colonel Kimmel No. 109.

In the county of Wayne the regiment commanded by Lieutenant-Colonel Schrunk shall be No. 73; and by Lieutenant-Colonel Coolbaugh No. 103.

In the county of Lycoming the regiment commanded by Lieutenant-Colonel Cummings shall be No. 4; and by Lieutenant-Colonel Crane No. 102.

And all regiments hereafter to be formed shall follow these numbers in numerical order.

[Section XIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That every militiaman migrating or removing out of the bounds of one battalion or com-

pany to another, shall apply to the commanding officer of the company to which he did belong, who shall give him a discharge, certifying the class to which he belongs, and whether he has served his tour of duty or not, and the time and date of said service, which certificate the said militiaman shall produce to the captain or commanding officer of the company in whose bounds he next settles, within ten days after his settlement, and the said captain or commanding officer is hereby required to enroll him in the class specified in the said certificate.

[Section XIV.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That the whole of the militia of this state, except as herein excepted, shall be trained and exercised in companies, battalions and regiments, by their respective officers, in every year as follows, to wit: in companies on the second and third Saturdays in the month of April, and on the first and second Saturdays in the month of October, and the first regiment in each and every brigade on the Mondays next after the third Saturdays in April and October, the second regiment on the Tuesday following, the third regiment on the Wednesday, and so on according to their rank in brigade, on every day in the week (Sundays excepted) until the whole number of regiments shall have [mustered] and exercised in the aforesaid manner.

[Section XV.] (Section XV, P. L.) And be it further enacted by the authorities aforesaid, That if any commissioned officer shall, without a lawful excuse, neglect or refuse to attend on any of the days hereinbefore appointed for exercise, if a field officer, he shall forfeit and pay the sum of four dollars, and every other commissioned officer shall forfeit and pay the sum of two dollars; and every non-commissioned officer or private, so neglecting or refusing to attend, shall forfeit and pay the sum of one dollar for every such neglect or refusal, except such commissioned officer, non-commissioned officer and privates, who shall be summoned and actually attending, on any of the days of exercise aforesaid, as a juror or witness in any court within this commonwealth; and the same fines shall be respectively paid by every officer, non-commissioned officer or private, who shall

leave the parade on any day of training before the regiment or company is discharged, without leave first had and obtained of the officer commanding.

[Section XVI.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, In order to ascertain those person[s], who, by their absence on days of exercise, shall have incurred the fines above mentioned, a serjeant or the clerk of each company shall, on every such day, in the presence of the captain or commanding officer of the company, at the end of one hour after the time appointed for the meeting of the company, battalion or regiment, and also after the exercise is over and before the men are discharged, call over the muster-roll of the company, noting those who are absent, and a return shall be made by him, within two days after each regimental or company meeting, to the captain or commanding officer of the company, of all the absentees on the several days of exercise, particularly designating the day on which each default was made, under the penalty of four dollars for every time he shall refuse or neglect to make such return, it shall be the duty of the commanding officer of each regiment annually to appoint, in regimental orders, six commissioned officers, three to preside in each battalion for the current year, to hear appeals, and said orders shall be issued previous to the days appointed by this act for the training of the militia in the months of April and October, and the days of appeal shall not be less than ten nor more than fifteen days after the meeting of the regiments in the said months of April and October; and every person who may think himself aggrieved, and shall make it appear to the satisfaction of the court of his proper battalion, that he was prevented from attending militia duty on the day or days for which he may stand charged by sickness, or other unavoidable necessity, in such case it shall be lawful for the court to remit the fine or fines, but no excuse shall be received at any other time, or in any other manner, than is above mentioned.

[Section XVII.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That for the purpose of collecting and levying the fines that shall be incurred for nonat-

tendance on days of training, and also all such fines as shall be imposed by courts martial, it shall and may be lawful for the president of the court martial, if the fine was imposed by a court martial, and for the [commanding] officer of the company, if incurred for non-attendance on any day or days of training, to issue a warrant, under their respective hands and seals, directed to a serjeant of the company to which the delinquent shall belong, commanding him to collect and levy the said fine or fines, and the [said] serjeant, by virtue of the said warrant, shall be authorized and empowered to call on every delinquent that shall be named in the said warrant, or in a list annexed to and accompanying the same, and demand payment of the said fine or fines, and of five per centum on the amount thereof, for his trouble in collecting the same; and on neglect or refusal of such payment, then the said serjeant shall proceed to levy the said fine or fines, with costs equal to those received by constables in similar cases, by distress irrepleviable and sale of the offender's goods and chattels, in like manner and with like effect as the collectors of taxes may or can do; and it shall be the duty of the said serjeant, within ten days after he shall have collected and received any fine or fines as aforesaid, to deliver over and pay the same to the paymaster of the regiment, who shall allow the said serjeant five per centum on the amount of the money so paid, in addition to the five per centum received by the said serjeant from the delinquent from whom the said fine or fines were collected; and the said pay-master shall hold the money so received by him subject to the drafts of the colonel or commanding officer of the regiment, to defray the expense of the service of notices, as directed by this act, for the payment of drummers, fifers, trumpeters and buglers, and for such other uses of the regiment as are contemplated by this act; and it shall be the duty of the said paymaster of the regiment, on the first Monday in December yearly and every year, to make out a fair and clear statement or settlement of his accounts, and lay the same before the field officers, and any two of the captains of the regiment, who shall examine it, and having certified the balance as it shall

appear to them on the account, one copy thereof shall remain with the pay-master, and another be lodged with the colonel or commanding officer of the regiment.

[Section XVIII.] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That whenever it may be necessary to call into actual service any part of the militia, in case of rebellion, or of an actual or threatened invasion of this or any of the neighboring states, then it shall and may be lawful for the governor to order into actual service such part of the militia, by classes, as the exigency may require. Provided, That the part so called doth not exceed four classes of the militia of the brigade or brigades so called out. And provided also, That such brigade or brigades, shall not be again called into actual service, until an equal number of classes of the militia of the other brigade or brigades, respectively, be first called, unless the danger of an invasion from Indians or others should make it necessary to keep in reserve the militia of such brigade or brigades, for their immediate defence; the numbers or ranks of the companies in their respective battalions or regiments shall remain as they now are, and each battalion or regiment of the state shall be divided into eight classes (preserving to every man his original class) all flank companies, whether of grenadiers, light infantry or riflemen, shall be called into service by companies, or part of companies, and not by classes, the first flank company making part of the first call, and the second flank company shall make part of the fifth call of the militia, and be commanded by their own proper officers; and every flank company to be formed in future shall be formed under the direction and approbation of the field officers of the regiments, to consist of sixty-four privates, and composed of men actually resident within the bounds of the regiment to which they are to be attached, and not otherwise.

[Section XIX.] (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That to the end that the militia, when called by classes, shall be properly officered, the following order is hereby directed and enjoined, that is to say: For the first draft, the captain of the first company, the lieutenant

of the second, and ensign of the fourth; second draft, the captain of the second company, the lieutenant of the first, and the ensign of the third; third draft, the captain of the third company, the lieutenant of the fourth, and the ensign of the second; fourth draft, the fourth captain, the lieutenant of the third company, and the ensign of the first; fifth draft, the fifth captain, the lieutenant of the sixth company, and the ensign of the eighth; sixth draft, the sixth captain, the lieutenant of the fifth company, and the ensign of the seventh; seventh draft, the captain of the seventh company, the lieutenant of the eighth, and the ensign of [the] sixth; eighth draft, the captain of the eighth company, the lieutenant of the seventh, and the ensign of the fifth; non-commissioned officers to take tour of duty with the commissioned officers, and the routine of the field officers shall be according to the date of their respective commissions; the first colonel of the brigade shall command the first detachment, if it amount to a colonel's command, if it does not, the command shall devolve on the first major liable to serve two months and no longer, and to be relieved by the class next in numerical order, the relief to arrive at least two days before the expiration of the term of the class to be relieved, but nothing herein contained shall prevent the governor from employing and calling part of any class, or any company or companies, regiment or regiments, without respect to this rule, whenever the exigency is too sudden to allow the assembling of the militia which compose the particular classes; and the service of the persons so called out shall be accounted as part of their tour of duty; and the pay of the militia in actual service shall commence two days before marching, and they shall receive pay and rations at the rate of fifteen miles per day on their return home.

[Section XX.] (Section XX, P. L.) And be it further enacted by the authority aforesaid, That when any detachment of the militia shall be called into service, the captain of each company shall take care that his proportion of men are assembled and marched to the proper place of parade, under the care of a commissioned officer or serjeant, with a list of the men, which list shall be delivered to the adjutant of the regiment,

whose business it shall be to attend at the place appointed, to receive the detachments from the several companies of his regiment, and he shall make out a roll of the whole, mentioning the rank of the officers and names of the non-commissioned officers and privates, and when the detachment shall be completed and placed under the command of the proper officer, he shall attend them to the place appointed for the meeting of the detachment of the brigade, where the several adjutants shall deliver to the major of brigade, or officer appointed to command the whole detachment, a complete roll, containing the names of the officers and privates composing the detachment from each regiment or battalion, noting such remarks as circumstances may render proper; and it shall be the duty of the officer appointed to the command of said detachment to cause two complete rolls to be made, and certified under his hand, one of which rolls he shall cause to be delivered to the adjutant-general, and the other to the brigade-major, within five days after the marching of his detachment, under the penalty of fifty dollars.

[Section XXI.] (Section XXI, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person called to do a tour of duty to find a sufficient substitute, such substitute being approved of by the captain or commanding officer of the company, which he shall be offered to serve in. Provided always, That persons serving by substitute as aforesaid, if said substitute shall be called in his own turn into actual service, before the term expires which he was to serve for his employer, that then the person procuring such substitute shall march, or find a person to march in his said substitute's turn, or be liable to pay his fine for neglect, which fine is to be recovered as other fines for neglect of serving are by this act directed to be recovered; and that sons who are not subject to the militia law may be admitted as substitutes for their fathers.

[Section XXII.] (Section XXII, P. L.) And be it further enacted by the authority aforesaid, That when the militia, or any detachment thereof, are called out on duty, they shall be entitled to like pay and rations as is or shall be provided for the

army of the United States; and that every person refusing or neglecting to perform his tour of duty in person or by substitute shall pay the sum of his tour of duty in person or by substitute shall pay the sum of twelve dollars for every such neglect or refusal, if the tour was to be for a term not exceeding one month, and in proportion if the tour was to be for any longer or shorter term.

[Section XXIII.] (Section XXIII, P. L.) And be it further enacted by the authority aforesaid, That the following articles, rules and regulations shall be those by which the militia shall be governed:

Article I. If any field or other commissioned officer, at any regimental review, or on any other occasion when the regiment or company to which he may belong, or in which he holds a command, is paraded in arms, shall misbehave or demean himself in an unofficer-like manner, he shall for such offence be cashiered, or punished by fine, at the discretion of a general court martial, as the case may require, in any sum not exceeding sixty dollars; and if any non-commissioned officer or private shall, on any occasion of parading the company to which he belongs, appear with his arms and accoutrements in an unfit condition, or be drunk, or shall disobey orders or use any reproachful or abusive language to his officers, or any of them, or shall quarrel or promote any quarrel among his fellow-soldiers, he shall be disarmed and put under guard, by order of the commanding officer present, until the company is dismissed, and shall be fined, at the discretion of a regimental court martial, in any sum not exceeding four dollars, nor less than one dollar.

Article 2. If the lieutenant-colonel or commanding officer of any regiment shall neglect or refuse to give orders for assembling his regiment at the times appointed by this law, or at the direction of the inspector of the brigade to which he belongs, when the said inspector is thereto commanded by the governor, or in case of an invasion of the city or county to which such regiment belongs, he shall be cashiered, and punished by fine, not exceeding two hundred dollars, at the discretion of a general court martial; and if a commissioned officer of any company shall, on any

occasion, neglect or refuse to give orders for assembling the company to which he belongs, or any part thereof, at the direction of the lieutenant-colonel or commanding officer of the regiment to which such company belongs, he shall be cashiered, and punished by fine, not exceeding sixty dollars, at the discretion of a regimental court martial; and a non-commissioned officer, offending in such case, shall be fined, at the discretion of a regimental court martial, in any sum not exceeding twenty dollars.

Article 3. If any captain or commanding officer of a company shall refuse or neglect to make out a list of the persons noticed to perform any tour of duty, and send or convey the same to the lieutenant-colonel or commanding officer of the regiment to which such company may belong, for such neglect or refusal he shall be cashiered, or fined, at the discretion of a regimental court martial, in any sum not exceeding forty dollars.

Article 4. If any militiaman shall desert while he is on a tour of duty, he shall be fined twenty-four dollars for every such offence, and be obliged to march on the next tour of duty, under the [same] penalties as at first, if a non-commissioned officer shall so desert, he shall be degraded and placed in the ranks, shall pay a fine of thirty dollars, and be obliged to serve another tour as a private.

Article 5. Every general court martial shall consist of thirteen members, all of whom shall be commissioned officers, and of such rank as the case may require, and these thirteen shall choose a president out of their number, who shall not be under the rank of a field officer.

Article 6. Every regimental court martial shall be composed of five members, all commissioned officers, who are to choose one of their members a president, not under the rank of captain.

Article 7. In any court martial, not less than two-thirds of the members must agree in every sentence for inflicting any punishment, otherwise the person charged shall be acquitted.

Article 8. The president of each and every court martial, whether general or regimental, shall require all witnesses, in order to the trial of offenders, to declare on oath or affirmation that the evidence they shall give is the truth, the whole truth and

nothing but the truth; and the members of all such courts shall take an oath or affirmation, which the president is required to administer to them, that they will give judgment with impartiality.

Article 9. All persons belonging to the militia, called as witnesses in any case before a court martial, who shall refuse to attend and give evidence, shall be censured, or fined, at the discretion of the court, in any sum not exceeding four dollars.

Article 10. No officer or private man, being charged with transgressing these rules, shall be suffered to do duty in the regiment, company or troop to which he belongs, until he has had his trial by a court martial; and every person so charged shall be tried as soon as a court martial can conveniently be assembled.

Article 11. If any officer or private man shall think himself injured by his lieutenant-colonel, or the commanding officer of the regiment, and shall, upon due application made to him, be refused redress, he may complain to the brigadier-general, who shall direct the inspector of the brigade to summon a general court martial, that justice may be done.

Article 12. If any inferior officer or private man shall think himself injured by his captain, or other superior in the regiment, troop or company to which he belongs, he may complain to the commanding officer of the regiment, who shall summon a regimental court martial, for doing justice according to the nature of the case.

Article 13. No penalty shall be inflicted at the discretion of a court martial, other than degrading, cashiering or fining.

Article 14. The commanding officer of the militia, for the time being, shall have full power of pardoning or mitigating any censures or penalties ordered to be inflicted on any private or non-commissioned officer, for the breach of any of these articles, by [a] general court martial, and every offender, convicted as aforesaid by any regimental court martial, may be pardoned, or have the penalty mitigated, by the lieutenant-colonel or commanding officer of the regiment, excepting only where such censures or penalties are directed as satisfaction for injuries re-

ceived by one officer or private man from another; but in case of officers, such sentence to be approved by the commander-in-chief of the militia, who is empowered to pardon or mitigate such sentence, or disapprove of the same.

Article 15. That if any commissioned officer shall at any time, or upon any occasion, behave in an unofficer-like, ungentlemanly, or disgraceful manner, the commander-in-chief, if the person accused be a major-general, the major-general of the division, if a brigadier, the brigadier, if a field officer, or the lieutenant-colonel, if an inferior officer, as the case may be, upon the application of any commissioned officer, may appoint a board of three officers to inquire into the matter of complaint, and if, upon their report, it shall appear to him deserving of trial, then, and in such case, he shall direct a court-martial, whose proceedings herein shall have the same effect as if the officer had been committed when on actual duty.

Article 16. The militia, on the days of training, may be detained under arms on duty in the field any time not exceeding six hours, provided they are not kept above three hours under arms at any one time, without allowing them a proper time to refresh themselves.

Article 17. All fines that shall be incurred by any breach of these rules shall be paid into the hands of the inspectors of the brigades to which the offenders belong, or to such person or persons as he shall appoint and make known, in general or brigade orders, as his agents or attorneys to receive the same, within three weeks after they become due; but in case of neglect or refusal to pay any of the said fines, the said inspector shall cause the same to be collected and levied in the manner herein-after mentioned.

Article 18. The rules of discipline approved and established by congress, in their resolution of the twenty-ninth of March, one thousand seven hundred and seventy-nine, shall be the rules of discipline to be observed by the militia throughout this state, except such deviations from said rules as may be rendered necessary by the requisitions of the acts of congress, or some other unavoiable circumstances. It shall be the duty of the command-

ing officer, at every training, whether by regiment or single company, to cause the militia to be exercised and trained agreeably to the said rules of discipline; and the instructions laid down by the Baron Steuben, and annexed to the said rules of discipline, pointing out the respective duties of the officers, non-commissioned officers and privates, are recommended and enjoined upon the militia of this state, as particularly and fully as if the said instructions were repeated and expressed in this act at length.

Article 19. The militia of this state, whilst in the actual service of the United States, shall be subject to the same rules and regulations as the federal army. Provided, That upon any transgression or offence of a militiaman, whether officer or private, against the rules and regulations of the federal army, the cause shall be tried and determined by a court martial of the militia of this state, and [that] it shall be in the power of the governor, or in case of his absence, of the commanding officer of the militia, to mitigate, suspend or pardon any punishment, to which any militiaman may be sentenced by a general court martial.

[Section XXIV.] (Section XXIV, P. L.) And be it further enacted by the authority aforesaid, That no civil process shall be served on any commissioned, non-commissioned officer or private, at any regimental review or training of any company, or while going to or returning from the place of such review or training.

[Section XXV.] (Section XXV, P. L.) And be it further enacted by the authority aforesaid, That all and every of the fines and forfeitures by this act made payable, and the mode of recovery not hereinbefore particularly pointed out, shall be recovered by the inspectors of the several brigades, in the name and for the use of the commonwealth, by action of debt, before a justice of the peace or in any court of record within this commonwealth, as from the amount thereof they shall be more properly cognizable; and the said inspector shall render his accounts, for all moneys received and disbursed by him in virtue of this act, to the register-general, for settlement, every twelve months; and in case of the refusal or neglect of any brigade-inspector to render his accounts as aforesaid, the register-general and the comptroller-general are hereby empowered and directed

to proceed against him, in like manner as they are authorized and empowered to proceed against other delinquent revenue officers, to compel the settlement of his accounts, and the payment of moneys due the commonwealth thereon into the state treasury.

[Section XXVI.] (Section XXVI, P. L.) And be it further enacted by the authority aforesaid, That all moneys passing into the treasury by virtue of this act shall be appropriated as a fund, for the purpose of equipping and furnishing the militia with arms, and every necessary apparatus for the defence and security of the state; and the treasurer of the commonwealth shall keep all the moneys arising from fines by the militia law separate from all other moneys, and keep separate books of the same, and the expenditures thereof, pursuant to the directions of this act.

[Section XXVII.] (Section XXVII, P. L.) And be it further enacted by the authority aforesaid, That the brigade inspector and two reputable citizens shall appraise the horse of each person serving as light-horsemen immediately before every time of going into actual service, and enter the same in a book; and in case such horse shall be killed or die in actual service, or be taken by the enemy otherwise than by neglect of the owner, he shall be paid the full value of his horse according to the said appraisement, by an order to be drawn by the Governor on the militia fund in the hands of the state treasurer for that purpose, on his producing to the governor a certificate of the loss of said horse signed by the commanding officer of the detachment to which he did belong whilst in actual service, together with a certificate of the valuation signed by the brigade inspector.

[Section XXVIII.] (Section XXVIII, P. L.) And be it further enacted by the authority aforesaid, That if any officer non-commissioned officer or private militiaman, or volunteer acting with the militia, residing in this state, having a family, shall be killed, or shall die of his wounds received in the service of this state, his widow, child or children, shall be entitled to similar relief, and under the same regulations and restrictions as were provided by the act, entitled, "An act to provide for the more effectual relief of the widows and children of the officers and

privates of the militia, who have lost their lives in the service of their country," passed the twenty-seventh day of March, one thousand seven hundred and ninety;² and if any officer, non-commissioned officer or private militiaman, or vounteer acting with the militia, residing in this state, shall be wounded, or otherwise disabled, in the service of this state, he shall be entitled to similar relief, and under the same regulations and restrictions as had been provided by an act, entitled, "An act for the relief of officers, soldiers and seamen, in the course of the late war, have been wounded, or otherwise disabled, in the service of this state, or of the United States," passed the tenth day of March, one thousand seven hundred and eighty-seven.³

[Section XXIX.] (Section XXIX, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall knowingly sell, buy, take or exchange, conceal, or otherwise fraudulently receive, any arms, accoutrements, colors or drums, belonging to this state, or the United States, on any account or pretence whatsoever, the person so offending, being convicted thereof before one or more justice or justices of the peace of the city or county where such offence shall be committed, shall forfeit and pay, for every such offence, treble the value of such arms [or] accoutrements, to be ascertained by the said justice or justices, and levied by distress and sale of the offender's goods and chattels, by the justice or justices before whom such offender shall be convicted, returning the overplus, if any, on demand, to such offender, and for want of such distress, shall commit such offender to the common gaol of the county, there to remain without bail or mainprize, for any term not exceeding three months, unless such money shall be sooner paid, and in every such case, the proof of the property shall be made by the possessor of such arms and accoutrements.

[Section XXX.] (Section XXX, P. L.) And be it further enacted by the authority aforesaid, That if any suit or suits shall be brought or commenced against any person or persons for anything done in pursuance of this act, the action shall be laid in the county where the cause of such action did arise, and not elsewhere; and the defendant or defendants, in such action

or actions to be brought, may plead the general issue, and give this act and the special matter in evidence; and if the jury shall find for the defendant or defendants in such action or actions, or if the plaintiff or plaintiffs shall be nonsuited or discontinue his or their action or actions after the defendant or defendants shall have appeared, or if, upon demurrer, judgment shall be given against the plaintiff or plaintiffs, the defendants shall have treble costs, and have the like remedy for the same, as any defendant or defendants hath or have in other cases to recover costs by law.

[Section XXXI.] (Section XXXI, P. L.) And be it further enacted by the authority aforesaid, That as in an act to provide arms for the use of the commonwealth, passed on the twenty-eighth day of March, one thousand seven hundred and ninety-seven, it is directed that a due proportion of said arms shall be delivered to the colonel or commanding officer of each regiment, and lodged in a suitable place or places of deposit, under the care of the field officers, and as it becomes necessary to make some further provision for the use and disposal of the said arms, and of such other arms as shall hereafter be purchased or procured for the use of the militia of the commonwealth, It is therefore hereby directed, That when any number of arms shall be delivered to the commanding officer of a battalion or regiment, he shall, as soon as may be, divide such arms among the companies of the regiment, having due regard to the number of men in each, and taking a responsible receipt from each captain for the arms delivered to his company, and the arms so delivered shall be marked with the number of the regiment and company, and numbered from one progressively; and the arms of each company shall be kept in a separate and distinct part of the store or place of deposit, so that every company may know where to receive their arms, and where to return them when the time of exercise or service shall be ended; and the said arms shall not be taken from their places of deposit, except on the days appointed by this act for the exercise and discipline of the militia, or when they shall be called into service, and at such times it shall be the duty of the quartermaster of the regiment, under the orders of the

commanding officer of the battalion or regiment, to attend at the place and hour appointed, under the penalty of twenty dollars for each and every neglect, and deliver to each company their proper arms, taking an account of the number to be delivered to each, and also to attend, when the exercise or service is over, and receive the said arms, and see that they are deposited in their proper and respective places; and the said quartermaster shall also take an account of, and forthwith report to, the commanding officer, any injuries to the said arms, or deficiencies therein, if any such have taken place; and if the arms of any regiment shall be lodged in any two places of deposit, in that case the quartermaster shall order and direct the quartermaster serjeant to attend to the delivery and receipt of the arms at one of the places of deposit, who shall perform all the duties herein enjoined upon the quartermaster, and under like penalties for neglect or failure of duty, and the expense of marking and numbering the arms, as above directed, shall be paid by the brigade inspector, who shall be allowed for the same in the settlement of his accounts.

[Section XXXII.] (Section XXXII, P. L.) And be it further enacted by the authority aforesaid, That if any youth of the age of twelve years, and not exceeding the age of twenty-one years, shall, with the consent and approbation of his parents, attach himself to any company of militia, for the purpose of learning to beat the drum, play on the fife, blow the bugle-horn or trumpet, provided the number shall not exceed one person for the drum and one for the fife, or one for the bugle-horn in each company, and one for the trumpet for each troop of horse, every such person or persons shall be put under the instructions of the drum or fife-major, the bugler or trumpeter, as the case may be, whose duty it shall be to teach such person or persons in the best manner in his power; and as soon as such person or persons shall be able to perform field duty, to the satisfaction of the commanding officer, he shall draw his warrant on the paymaster of the regiment, in favor of the drum or fife-major, the bugler or trumpeter, who may have taught such person or persons to beat the drum, play the fife, blow the bugle-horn or trum-

pet, as aforesaid, for the sum of ten dollars for every person so taught; [and the person so taught] shall be furnished with a suit of regimentals, to be paid for out of the funds of the regiment or battalion, as the case may be; and the father of every youth, who shall have been instructed as aforesaid, shall be exempted and excused from every kind of militia duty, so long as his son shall continue to perform the duties of a drummer, fifer, bugler or trumpeter, in any militia company.

[Section XXXIII.] (Section XXXIII, P. L.) And be it further enacted by the authority aforesaid, That four days, in addition to the days authorized by this act, be, and they are hereby, appointed annually for all the commissioned officers of the several regiments within this state to meet together, at the most convenient time and place, to be fixed upon by the field officers of each regiment, that they may practice and perfect themselves in the military art, and become acquainted with the duties of a soldier; and the officers aforesaid shall appear with proper arms and uniform.

[Section XXXIV.] (Section XXXIV, P. L.) And be it further enacted by the authority aforesaid, That a majority of any volunteer infantry, grenadier, rifle or artillery companies, or of any troop of horse, shall have power, at their first meeting in each year, to fix upon, declare and settle what and how many days of training they will have throughout the year, over and above the days hereinbefore appointed for the training and mustering of the militia, for the purpose of improving themselves in military discipline; and it shall be lawful for each and every commanding officer of each and every such company to fix and notify his respective company of such stated days of meeting, and to inflict and levy such fines and penalties on any member, who shall refuse or neglect to attend such days of exercise, as may be agreed upon by a majority of the company convened for that purpose, which fines shall be collected by a serjeant of each company, by virtue of a warrant under the hands and seals of the commissioned officers of the same, and shall be appropriated for the payment of the music and other contingent expenses of the company by warrants drawn by the commanding officer; and

the accounts of each company shall be examined and settled once in every year, by a committee of three persons, members thereof, to be chosen by ballot at a meeting of the company convened for that purpose, which the commanding officer is hereby enjoined to do, some time in the month of April annually.

[Section XXXV.] (Section XXXV, P. L.) And be it further enacted by the authority aforesaid, That the adjutant-general shall cause to be printed a sufficient number of copies of this act, together with the rules and regulations for the discipline of the troops of the United States, by the Baron Steuben, and cause the same to be distributed in the manner following, viz: To every general and field officer one copy; to every captain, for the use of his company, one copy; and to every adjutant one copy; and the expenses of printing and distributing shall be allowed in the settlement of his accounts by the register-general.

[Section XXXVI.] (Section XXXVI, P. L.) And be it further enacted by the authority aforesaid, That an act, entitled, "An act for the regulation of the militia of the commonwealth, of Pennsylvania, passed the eleventh day of April, in the year of our Lord one thousand seven hundred and ninety-three,⁴ and also an act, entitled, "An act to provide a more effectual method for settling the accounts of the several brigade inspectors within this commonwealth," passed the fourth day of April, one thousand seven hundred and ninety-eight,⁵ be, and the same are hereby, repealed and made null and void. Provided always, That nothing herein contained shall be construed so as to revive any former law or laws, which, in and by the said first recited act, is repealed and made void, or to prevent the recovery of any fines or forfeitures incurred under the same.

Passed April 9, 1799. Recorded L. B. No. 6, p. 399, etc.

¹Chapter 1696.

²Chapter 1493.

³Chapter 1271.

⁴Chapter 1696.

⁵Chapter 2002.

CHAPTER MMLXIX.

AN ACT DECLARING LITTLE SCHUYLKILL A PUBLIC HIGHWAY.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, the Little Schuylkill, from George Roush's saw-mill up to Jacob Shelley's saw-mill, shall be, and the same hereby is, declared to be, a public highway, for the passage of boats and rafts, under the limitations and restrictions hereinafter specified; and it shall and may be lawful for the inhabitants desirous of using the navigation of the said stream, to remove all natural and artificial obstructions, from the said George Roush's saw-mill up to Jacob Shelley's saw-mill aforesaid, and to erect such slopes and locks at the mill-dams now built, as may be necessary for the passage of boats and rafts. Provided, such slopes and locks shall be so constructed as not to injure the works of said dams.

Passed April 10, 1799. Recorded L. B. No. 7, p. 7.

CHAPTER MMLXX.

AN ACT FOR THE RELIEF OF THE WIDOW AND HEIRS OF JOHN JONES, DECEASED.

Whereas it hath been represented to the legislature that John Jones, in his lifetime, purchased from the agents for confiscated estates a certain tract of land and improvements situate in Earl township, in the county of Lancaster, containing eleven acres and sixty perches, and allowance, which said tract of land and

improvements was sold by the aforesaid agents for, and as the confiscated estate of, a certain Isaac Grafts, for the sum of one thousand three hundred and twenty pounds, which sum was paid to the said agents by the said John Jones, and that the said Isaac Grafts never was attainted, nor his property aforesaid confiscated, but that the said sale was made by the error of the aforesaid agents, and that the said tract of land and improvements hath since, to wit, on the seventh of April, one thousand seven hundred and ninety-four, been levied on and sold by the sheriff of Lancaster county, as the estate of the said Isaac Grafts, at the suit of the administrators of David Morgan, deceased, for the sum of one hundred pounds. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the comptroller and register-general be, and they are hereby, authorized and required to examine the facts set forth, and in case they appear to be accurate, then to adjust, settle and ascertain, according to the scale of depreciation, the amount of moneys paid by John Jones to the agents for confiscated estates, as the consideration of a tract of land and improvements situate in Earl township, in the county of Lancaster, containing eleven acres and sixty perches, and which was sold by the said agents to the said John Jones, for and as the confiscated estate of a certain Isaac Grafts; and upon the said amount being ascertained as aforesaid, they shall certify the same to the governor, who shall thereupon draw a warrant on the treasurer of this commonwealth for the same, together with interest from the first of January, one thousand seven hundred and ninety-four, in favor of the administrators of the estate of the said John Jones, deceased, for the use of the widow and children of the said John Jones, deceased.

Passed April 10, 1799. Recorded L. B. No. 7, p. 8, etc.

CHAPTER MMLXXI.

AN ACT VESTING CERTAIN POWERS IN THE JUDGES OF THE SUPREME COURT.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That if the city of Philadelphia should, at any time hereafter, be afflicted by any infectious or contagious fever, the judges of the supreme court, and the judges of the court of common pleas, and the court of general quarter sessions of the peace for the county of Philadelphia, or any two of them, be, and they are hereby, authorized to hold the terms or sessions, now directed by law to be holden in the city of Philadelphia, in any part of the county of Philadelphia.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the judges of the supreme court, or any two of them, to direct and cause the sheriff of the city and county of Philadelphia to remove from any pestilential danger the prisoners, who may be confined in the gaol of the said city and county, to such place of safety as they may think proper, provided that nothing herein contained shall authorize a removal of any prisoners confined by virtue of criminal process, without an application for that purpose from a majority of the inspectors of the gaol of the city and County of Philadelphia.

Passed April 10, 1799. Recorded L. B. No. 7, p. 10. Supplement passed March 15th, 1800, Chapter 2143.

CHAPTER MMLXXII.

AN ACT FOR THE RELIEF OF GEORGE WALTON.

Whereas it appears that Arnold Richardson, late of the city of Philadelphia, deceased, being in his lifetime seized in his demesne, as of fee, of a certain lot or piece of ground situated in the Northern Liberties of the city of Philadelphia, containing in front on Rose street twenty feet, and in depth eighty feet, did, by articles of agreement in writing, contract and agree to sell and convey the same to George Walton, in fee, for the consideration of seventy pounds, of which the said George Walton hath paid the sum of fifty-one pounds eleven shillings and three pence, and the said George Walton, or his assigns, have improved the said lot, by erecting buildings thereon; but the said Arnold Richardson died before executing a deed for the same, and since his decease the articles of agreement above mentioned have been casually lost, so that relief cannot be had under the act of assembly, entitled, "An act to enable executors and administrators, by leave of court, to convey lands and tenements contracted for with their decedents, and for other purposes therein mentioned."¹ Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the court of common pleas, upon reasonable notice to all persons interested, to order and direct the administrator of Arnold Richardson, deceased, to execute a deed to George Walton, his heirs and assigns, for a certain lot or piece of ground, situated in the township of the Northern Liberties of the city of Philadelphia, containing in front on Rose street twenty feet, and in depth eighty feet, which deed shall be as good and available, to all intents and purposes, as if the same had been executed in pursu-

ance of the powers given to the courts of judicature by the act, entitled, "An act to enable executors and administrators, by leave of court, to convey lands and tenements contracted for with their decedents, and for other purposes therein mentioned."² Provided always, That nothing herein contained shall be deemed or construed to bar or defeat any other person or persons, bodies politic or corporate, of any right, title, interest, claim or demand, which they may have in or to the said lot of ground, or any part thereof.

Passed April 10, 1799. Recorded L. B. No. 6, p. 442, etc.

CHAPTER MMLXXIII.

AN ACT TO AUTHORIZE THE GOVERNOR TO APPOINT AND COMMISSION AN AUCTIONEER, FOR THE EXPRESS AND SOLE PURPOSE OF SELLING HORSES, CATTLE AND CARRIAGES, WITHIN THE CITY OF PHILADELPHIA.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor be, and he is hereby, authorized to appoint and commission an auctioneer, who shall be expressly, solely and exclusively authorized to sell horses, cattle and carriages, at public auction, within the city of Philadelphia; and the said auctioneer shall keep a book, and register in the same the names of the sellers and purchasers of all horses and cattle sold by him, together with the colors, ages and marks of such horses and cattle, and shall pay the same duties, give the same security, and be liable to the same penalties, as other auctioneers are, under the existing laws of this commonwealth.

²See Ante.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That so much of any former act or acts, as is inconsistent with this act, be, and the same is hereby, repealed.

Passed April 10, 1799. Recorded L. B. No. 6, p. 444. See the note to the Act for the revival and continuance of certain Acts regulating auctions passed December 9th, 1783, Chapter 1063.

CHAPTER MMLXXIV.

AN ACT TO PROVIDE FOR OPENING A ROAD FROM NEAR THE BALD EAGLE'S NEST, IN MIFFLIN COUNTY, TO LE BOEUF, IN THE COUNTY OF ALLEGHENY.

Whereas a road has, under the direction of the legislature, been in part laid out from Reading to Presque Isle. And whereas it is considered that opening and improving said road would be greatly conducive to the interests of the community, by opening a communication with the northwestern parts of the state, and would much facilitate an intercourse with Lake Erie. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor be, and he is hereby, empowered to contract with such person or persons, for the opening and improving the road laid out between the Bald Eagle's Nest and the Allegheny river, and to lay out and open a road from the Allegheny river aforesaid, on the nearest and best route to Le Boeuf, in such manner as to him shall appear most likely to accomplish the good purposes by this act intended.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That when it shall appear to the person or persons who may contract for opening the aforesaid road

that deviations from such part of the road, as laid out, are essentially necessary, he or they shall be authorized to make such deviations. Provided always, That such deviations do not depart materially from the survey already made.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That, in order to carry this law into effect, the governor is hereby empowered to draw his warrant or warrants on the state treasurer for the sum of five thousand dollars, to be paid out of the first money arising from the sale of the reserved lands and lots at the towns of Erie, Franklin, Warren and Waterford.

Passed April 10, 1799. Recorded L. B. No. 6, p. 443, etc.

CHAPTER MMLXXV.

AN ACT TO ERECT CERTAIN ELECTION DISTRICTS IN THE COUNTIES OF WASHINGTON, NORTHAMPTON AND LUZERNE.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the townships of Hamilton and Chestnut Hill, in the county of Northampton, shall be a separate election district, to be called the eighth election district; and the electors thereof shall hold their elections at the house now occupied by Simon Heller, in Hamilton township aforesaid, any law to the contrary notwithstanding.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That all the territory in the county of Luzerne within the following boundaries, to wit, by a line due east and west drawn from one side line to the other of said county, intersecting the river Susquehanna at the mountain commonly called Breakneck; thence down said river to a creek called Rummerfield's creek; thence a line drawn as aforesaid

east and west from one side line to the other of said county, shall be, and is hereby, erected into a separate election district; and the free electors thereof shall hold their annual elections at the house of William Meenes, in the township of Wyorocks, any law in anywise to the contrary notwithstanding.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That so much of Washington county as lies within the following bounds, viz: beginning on the Monongahela river one mile above the mouth of Pigeon creek; thence a direct line to Thomas Parkinson's old mill on said creek; thence up said creek to Bentley's mill; thence along the roads from said mills to the Quaker meetinghouse; thence to Nathan Heald's saw-mill in Pike Run; thence to the main road leading from Washington to Brownsville; thence along said road to the Monongahela river; and thence down said river to the place of beginning, shall be a separate election district; and the electors thereof shall hold their elections at the house now occupied by Edward West, in said district.

Passed April 10, 1799. Recorded L. B. No. 6, p. 445, etc.

CHAPTER MMLXXVI.

AN ACT FOR THE REIMBURSEMENT OF MONEYS HERETOFORE ADVANCED BY THE RECEIVER GENERAL OF THE LAND OFFICE.

Whereas the pressure of the business of the land office compelled the receiver-general to employ a number of clerks in his office, for whom an adequate compensation has not heretofore been appropriated by law, insomuch that it appears satisfactory to the legislature that the said receiver-general has, in the course of several years, expended for clerk's hire in the public service a considerable sum, over and above what he has been allowed by law.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall be lawful for the officers in the department of accounts, and they are hereby required, to settle the accounts of Francis Johnston, receiver-general, for moneys by him paid for clerk hire, and allow him such sum as he shall have paid, over and above what has been allowed by law; provided the said surplus shall not exceed the sum of two thousand nine hundred and fifteen dollars and twelve cents.

Passed April 10, 1799. Recorded L. B. No. 6, p. 444, etc.

CHAPTER MMLXXVII.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE COUNTY OF DELAWARE TO RAISE MONEY, BY TOLL, FOR THE REPAIR AND MAINTENANCE OF THE BRIDGES ON THE PUBLIC STATE ROAD OF SAID COUNTY.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the commissioners of the county of Delaware, and their successors in office, to appoint such and so many toll gatherers, and from time to time to remove the same, and appoint others, as they shall think proper, to collect and receive, from and after the first day of May next, of and from every person and persons using that part of the main public road leading from Philadelphia, through Darby and Chester, to the southern states, which passes through the said county, the tolls and rates hereinafter mentioned, and to stop any person riding, leading or driving any horses, mules, cattle, hogs, sheep, sulkey, chair, chaise, cart,

wagon, phaeton, coach, chariot, wain, sled, sleigh, or other carriage of burden or pleasure, from passing along or traveling on the same, until they shall have respectively paid the said tolls or rates.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the tolls or rates so to be collected and received shall not exceed the following proportion, that is to say, for every coach, chariot, stage, wagon, landau, phaeton, or other pleasurable carriage with four wheels, drawn by four horses, twenty-five cents; for the above mentioned carriages drawn by two horses, fifteen cents; for every riding chair, sulkey, chaise, or other pleasurable carriage with two wheels, ten cents; for every wagon drawn by four horses, twelve cents; for the same drawn by two horses, eight cents; for every cart drawn by one horse, four cents; and for every additional horse to the above carriages of burden two cents; and for every additional horse to the above carriages of pleasure, four cents; for every sleigh or sled with not more than two horses, six cents; and for every additional horse, two cents; for every horse, ass or mule, with or without a rider, two cents; for every head of horned cattle, one cent; for every live sheep or hog, half a cent; that the money thus to be collected and received shall be applied by the said commissioners to the repair, support and maintenance of the said bridges, and to the erection of others on the said road, whenever the same shall be by them found necessary. Provided always, That in estimating the above tolls where carriages are drawn partly by oxen and partly by horses, two oxen shall be charged equal to one horse.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That in order to facilitate the collection of the said tolls or rates, it shall be lawful for the said commissioners to erect a gate or gates at or near any of the bridges situated on the said road, between the northern and southern boundaries of the said county, which they shall think most convenient for the collection thereof, and to alter and remove the same as occasion may require. Provided always, That toll shall

not be received at more than one place, nor oftener than once, on such part of the said road, for the said act of passing or traveling thereon.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners shall keep a just and true account of their receipts and disbursements of all the moneys which shall come into their hands by virtue of this act, and account annually with the same persons, and at the same time, who shall be appointed to settle their accounts as county commissioners. Provided always, That nothing herein contained shall prevent any foot passenger from traveling on the said road free of toll.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That this law shall be and continue in full force for and during the term of five years, and no longer.

Passed April 10, 1799. Recorded L. B. No. 6, p. 446, etc.

CHAPTER MMLXXXVIII.

AN ACT FOR THE BENEFIT OF ELIZABETH ALLEN AND ELIZABETH MARGARET TILGHMAN.

Whereas it hath been represented to the legislature, by the petition of Andrew Allen, as guardian for his daughter Elizabeth Allen, William Allen, Ann Penn Allen, William Tilghman, Henry Walter Levingston, and his wife and others, residuary devisees of William Allen formerly of the city of Philadelphia, deceased, that the said William Allen, deceased, devised the residue of his estate to four different branches of his family, to be held by them as tenants in common, in the several proportions mentioned in the last will and testament of the said William Allen, and the codicil thereto; that the residue of the said estate consists of a number of tracts of land, situate at a distance from each other, which are liable to considerable and unavoid-

able injury from the destruction of timber and other circumstances; that it would be much for the interest of all persons concerned, and it is their desire, that the residue of the said estate should be sold, but an advantageous sale thereof cannot be made, on account of the infancy of the said Elizabeth Allen, and of Elizabeth Margaret Tilghman, the only child of the said William Tilghman and his late wife Margaret Elizabeth, deceased, who was one of the daughters of James Allen, deceased; and the said petitioners prayed that an act might be passed, authorizing such person as to the legislature should seem proper, [to sell] and convey, on behalf of the said Elizabeth Allen, her undivided share of the estate devised to her as aforesaid by her grandfather William Allen, and authorizing the said William Tilghman to sell and convey, on behalf of his said child, all her interest in the said residuary estate of the said William Allen, deceased. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That Edward Shippen be, and he is hereby, authorized, during the minority of the said Elizabeth Allen, to contract for the sale of, and to sell and convey, in fee simple, for such price, and in such manner, and on such terms and conditions, as he shall think most advantageous, either for cash or credit, all or any part of the estate devised to the said Elizabeth Allen by her grandfather William Allen, as aforesaid; and that all contracts and agreements, deeds or conveyances, of or concerning the said estate, made by the said Edward Shippen, during the minority of the said Elizabeth Allen, shall be as good and effectual in law, to all intents and purposes, as if the same had been made by the said Elizabeth Allen, after she attains the age of twenty-one years.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That upon any contracts or sales made by the said Edward Shippen, of or concerning the estate aforesaid, it shall be his duty to take bonds, with such real or personal security as he shall judge sufficient, in the name of the

said Elizabeth Allen, for such part of the purchase money, as shall not be paid in cash; and his receipts for such parts as are paid in cash shall be a good discharge to the purchaser or purchasers; and he shall pay over the said cash, and deliver the said bonds and securities, to the said Elizabeth Allen, her executors, administrators or assigns, or such persons as she or they shall appoint to receive the same.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That all the powers and authorities given to the said Edward Shippen, by this act, shall cease and determine on the said Elizabeth Allen's attaining the age of twenty-one years; provided that all contracts touching the said estate, made by the said Edward Shippen during her minority, by virtue of this act, shall be as obligatory on the said Elizabeth Allen, as if they had been made by herself after she attains the age of twenty-one years.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said William Tilghman shall be, and he is hereby, authorized to sell and convey, in fee simple, for such price, in such manner, and on such terms, as he shall think most advantageous, all that part of the residuary estate of the said William Allen, deceased,, to which his said late wife was entitled, and whereof the said William Tilghman is now seized of an estate for term of his life, as tenant by the courtesy, with remainder to his said child, and the contracts, sales, conveyances and receipts for purchase money, to be made and given by the said William Tilghman, touching the premises, shall be valid and effectual against all persons claiming or to claim under his late wife.

[Section V.] Provided always, and it is hereby enacted, That the heirs, executors or administrators of the said William Tilghman shall pay to his said child, or, in case of her death before she arrives at the age of twenty-one years, to such person or persons as would have been entitled to the said estate, if it had remained unsold, the full amount of the sum for which the said William Tilghman shall sell the same.

(Section V, P. L.) And whereas the said William Tilghman is seized for life, as tenant by the courtesy, with remainder in fee simple to his said child, of part of the town of Northampton, in the county of Northampton, and of lands adjoining the said town, and it will be a benefit, both to the public and to the said William Tilghman and his said child, that the lots already laid out in the said town, or which may be laid out on land adjoining thereto, should be conveyed to such persons as may be willing to purchase the same in fee simple, reserving an annual ground rent charged thereon, as has been usual. And whereas it appears by the petition of the said William Tilghman, that James Allen aforesaid, deceased, during his life, and after his death his widow and his children, made divers contracts for the sale of lots in the said town, some of which have been complied with by the purchasers, and others may be hereafter complied with, but there is no person now authorized to complete the titles of the purchasers of such of the said lots, as lie within that part of the said town which belonged to the late wife of the said William Tilghman.

[Section VI.] Be it therefore enacted by the authority aforesaid, That the said William Tilghman shall be, and is hereby, authorized, during the minority of his child, to sell and convey, in fee simple, to such persons as he shall think proper, any lots lying within the aforesaid part of the said town of Northampton, or to be laid out on lands of which he is seized as aforesaid, adjoining the said town, provided that there be reserved a perpetual annual ground rent of at least two dollars, issuing out of and charged on each lot, to be paid to the said William Tilghman for his life, with remainder in fee simple to the heirs of his said late wife; and that the said William Tilghman shall be authorized, and is hereby authorized, during the minority of his said child, to convey, in fee simple, according to the terms of the several contracts made as aforesaid by the said James Allen or his widow or children, such lots within the aforesaid part of the said town, as have been contracted for as aforesaid, to those purchasers who have already complied with, or shall hereafter comply with their contracts; and that all conveyances to be made

by the said William Tilghman, as aforesaid, shall be as valid and effectual, as if his said child was of full age and a party to the said conveyances, but shall have no greater validity or effect whatsoever.

Passed April 11, 1799. Recorded L. B. No. 7, p. 28, etc.

CHAPTER MMLXXIX.

AN ACT MAKING PROVISION FOR THE OPENING AND IMPROVING OF A ROAD OVER THE PENN'S VALLEY MOUNTAINS, IN THE COUNTY OF MIFFLIN, AND FOR OPENING AND IMPROVING THE STATE ROAD FROM TURTLE CREEK TO PITTSBURG.

.. Whereas the opening a road over the Penn's Valley Mountains, in Mifflin county, would be of public utility, in facilitating an intercourse between the interior parts of the state and the frontier settlements. And as the opening said road is of too difficult and expensive a nature to be accomplished by the townships through which it passes. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor be, and he is hereby, authorized and empowered to draw his warrant, in favor of the commissioners of Mifflin county, on the treasurer of Cumberland county, for the sum of eight hundred dollars, to be paid out of the arrearages of state taxes due from Mifflin county to the county of Cumberland; and for the aforesaid sum he shall be entitled to a credit in the settling his accounts with the comptroller general of this commonwealth, on producing the warrant and a receipt for the payment of the same.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners are hereby authorized and empowered to expend and lay out the aforesaid sum of money, in such manner as they, or any two of

them, shall deem most expedient, towards opening and improving a road through Penn's Valley Mountains, beginning at the Old Ford on the Laurel run, and from thence following the marked road, as laid out in the year one thousand seven hundred and ninety-seven, until it intersects the road leading to Potter's mills.

And whereas it hath been represented to the legislature that the moneys heretofore appropriated for opening the state road from Bedford to Pittsburg have been insufficient for the purpose, and that the opening of said road being necessary, and of public utility. Therefore:

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the sum of one thousand dollars, in addition to former grants, shall be, and is hereby, granted and appropriated, for the purpose of opening and improving the said road, to be paid out of the arrearages of taxes due to the commonwealth from Westmoreland county, on warrant or warrants of the governor for that purpose drawn on the treasurer of said county, and to be applied to that part of the road which lies between Turtle creek and Pittsburg. Provided always nevertheless, That the treasurer shall have credit in the said warrant or warrants for such taxes, as may be due from Allegheny county to the county of Westmoreland.

Passed April 11, 1799. Recorded L. B. No. 7, p.

CHAPTER MMLXXX.

AN ACT TO PROVIDE FOR SELLING THE SEVERAL RESERVED TRACTS OF LAND ADJOINING THE TOWNS OF ERIE, FRANKLIN, WARREN AND WATERFORD, AND FOR OTHER PURPOSES THEREIN MENTIONED.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by

the authority of the same, That the governor is hereby empowered to direct the surveyor general to make, or cause to be made, actual surveys of the reserved tracts of land adjoining the towns of Erie, Franklin, Warren and Waterford, which have not been laid out in town or outlots, or ceded to the United States, and to lay off the same into lots, not exceeding one hundred and fifty acres in each, and marking the lines thereof, and designating first, second or third quality in said draughts. Provided always, That in each of the said reserved tracts the quantity of five hundred acres be laid off, for the use of such schools or academies as may hereafter be established by law in the said several towns; which said several surveys shall be returned to the office of the surveyor general, and general draughts thereof to the office of the secretary of the commonwealth.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the governor, after the said actual surveys shall be made and general draughts thereof lodged in the office of the said secretary, be, and he is hereby, authorized and required to transmit a copy of each draught to the commissioners to be appointed for the sale of the in and outlots in and adjoining the towns of Erie, Franklin, Warren and Waterford, as soon as conveniently may be; and it shall then be the duty of the said commissioners to give notice by advertisement, at least six weeks, in three of the public newspapers in the city of Philadelphia, in at least one paper printed in Dauphin county, one in Pittsburg, one in Lancaster, and one in Washington, of the time that the books will be open for the sale of all the reserved lands, laid out by virtue of this act, adjoining the above towns, on the following terms, to wit: one-fifth part of the purchase money shall be paid at the time of sale to the commissioner attending, one-fifth part to the receiver general of the land office, within twelve months from the day of sale, one-fifth part within two years from the said day, and the remainder two-fifth parts at or before the expiration of three years after such sale, but that no contract shall be confirmed by said commissioner for fifteen days after the said books shall be opened, and the highest price offered within that time shall be accepted.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the commissioner to enter the purchaser's name in his book, the number, quality and quantity of acres, date of entry, and amount of sale, a certified copy of which he is to give to the purchaser, which certificate shall be forwarded to the secretary's office; within six months after the date thereof; but no sales shall take place at less than four dollars per acre for land of the first quality, three dollars per acre for land of the second quality, and two dollars per acre for land of the third quality. Provided always, That nothing herein contained shall be taken or construed to vest any right or title, in law or equity, in any person or persons purchasing as aforesaid, unless he, she or they shall, within three years after the date of their respective purchases, make an actual settlement thereon, by clearing, fencing and cultivating at least two acres for every fifty acres contained in one survey, and erect on each lot or tract a messuage for the habitation of man, and reside thereon for the space of five years following their first settlement of the same, and in default of such actual settlement, residence and improvement, the purchaser or purchasers shall forfeit all payment made to the commonwealth, and the governor is hereby authorized to direct that such forfeited lot or tract be sold at public sale, in the town near where such forfeited lot or tract may lay; and [no] patents shall issue for any lot or tract sold by virtue of this act, until satisfactory proof be made to the governor of this commonwealth of such actual settlement, residence and improvement having been made as aforesaid.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the governor be, and he is hereby, authorized to appoint four commissioners, one of which shall reside in each town, whose duty it shall be, with the assistance of two reputable citizens appointed by the judges of the court of common pleas of the county of Allegheny, for each commissioner to appraise all the in and outlots in the towns of Franklin, Warren and Waterford, and the first section of Erie, and the outlots thereto adjoining, which appraisement shall be regularly entered in a book for that purpose. It shall then be the duty of

the commissioners aforesaid to advertise the town and outlots for sale on the following terms, to wit: the one-third part of the purchase money shall be paid at the time of sale to the commissioner attending when the entry of sale is made, whose duty it shall be to certify the same; one-third part to the receiver general of the land office, within twelve months from the day of sale; and the remaining one-third part, within eighteen months from the day of sale; for the performance of which the purchasers respectively shall, at the time of sale, give bond for the payments of the said instalments to the said commissioners; and at the expiration of eighteen months aforesaid the governor is hereby authorized to grant patents to the purchasers, provided the purchase money is paid according to the sales.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That those persons who have purchased any lot or lots in the second and third divisions of the town of Erie, may take lot or lots in the first division of said town, at the same price they purchased them at the former sales, and that all those who have paid for or improved any forfeited lot or lots shall have a pre-emption to said lot or lots, at the prices the[y] sold for at former sales, provided he, she or they apply in three months after the passing of this act, and pay for the same.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the commissioner at the town of Erie shall offer at public sale the lot of ground reserved in said town, at the mouth of Cascade creek, including the same, after giving three months' notice, in three of the public newspapers in this state, of the time and place of such sale, on the same conditions specified in the third section of this act, provided the same amounts to fifty dollars per acre.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners, before they enter on the duties required by this act, shall give bond, with two good sureties, in a sum not less than five thousand dollars, to the governor, each conditioned for the true and faithful performance of their respective trusts; and shall receive three

cents on every dollar received and contracted for, which shall be in full for all their services; and the persons appointed by the court to assist each commissioner to appraise the town and outlots shall receive two dollars each per day, which shall be in full for all their services.

Passed April 11, 1799. Recorded L. B. No. 7, p. 24, etc. See Supplementary Act of February 19, 1800, Chapter 2107.

CHAPTER MMLXXXI.

AN ACT TO EXTEND THE PERIOD HERETOFORE ALLOWED FOR APPLYING FOR DONATION LANDS, AND TO REGULATE THE MODE FOR AUTHENTICATING CLAIMS THERETO.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the time allowed for applying for donation lands shall be, and the same is hereby, extended to the first day of September next, and that all lawful claims now filed and suspended, or which shall be filed previously to the said first day of September, shall be considered and allowed in the manner hereinafter directed.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That before any such claims shall be allowed, the same shall be presented to the comptroller general, register general and treasurer of this commonwealth, who shall inquire into the lawfulness thereof, and whether the same remains unsatisfied, and thereupon transmit to the secretary of the land office a certificate, stating that the claim ought to be allowed or rejected, as the case may be, which certificate shall be conclusive.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the officers of the land office shall advertise in the public papers of Philadelphia, Harrisburg

and Pittsburgh, the time limited as aforesaid for presenting claims for donation lands, and shall proceed, after the said first day of September next, to draw lots in favor of all such claimants, as shall have duly received as aforesaid a certificate of allowance from the comptroller general, register general and treasurer, upon the principles, in the manner, and with the powers specified in the act, entitled, "An act relative to donation lands," passed on the seventeenth day of April, in the year one thousand seven hundred and ninety-five.¹

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That on the first day of May, in the year one thousand eight hundred, the powers herein given shall cease, no lots for donation lands shall afterwards be drawn, and the residue of the land heretofore by law appropriated for satisfying claims to donation lands shall revert to the commonwealth, and be disposed of in such manner as shall be directed by law in relation to other lands, the property of the state.

Passed April 11, 1799. Recorded L. B. No. 7, p. 3, etc.

CHAPTER MMLXXXII.

AN ACT TO DECLARE FISHING CREEK, AND ONE OF ITS BRANCHES, IN THE COUNTY OF NORTHUMBERLAND, PUBLIC HIGHWAYS.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, Fishing creek, in the county of Northumberland, from the mouth up to the main fork thereof, and that branch commonly called Little Fishing creek, from the mouth of John Eve's mill, shall be, and the same are hereby, declared to be public highways for the passage of boats and rafts, under the limita-

¹Chapter 1855.

tions and restrictions herein specified; and it shall and may be lawful for the inhabitants, desirous of using the navigation of said creek, to remove all natural and artificial obstructions, from the mouth thereof up the mainfork, and that branch called Little Fishing creek up to John Eve's mill aforesaid, and to erect such slopes or locks at the mill-dams now built, as may be necessary for the passage of boats, rafts and fish; provided such slopes or locks shall be so constructed, as not to injure the works of said dams.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That nothing in this act contained shall be deemed, taken or understood to prevent any person or persons, possessing land on the said creek, or either of them, who, before the passing of this act, had authority under the laws of this commonwealth to erect a dam or dams, [from erecting such dam or dams. Provided always, That such dam or dams be so constructed and kept in repair], by the owners thereof, with complete slopes and locks on convenient parts of such dams, as that the navigation for boats and rafts, and the passage of fish, will not be injured thereby.

Passed April 11, 1799. Recorded L' B. No. 7, p. 2, etc.

CHAPTER MMLXXXIII.

AN ACT EMPOWERING CERTAIN TRUSTEES THEREIN NAMED TO SELL AND DISPOSE OF A CERTAIN TRACT OF LAND, SITUATE PARTLY IN UPPER AND PARTLY IN LOWER MOUNT BETHEL TOWNSHIPS, IN THE COUNTY OF NORTHAMPTON, AND TO APPROPRIATE THE MONEYS ARISING FROM THE SALE THEREOF FOR THE PURPOSES THEREIN MENTIONED.

Whereas the trustees and elders of the Presbyterian congregation in Lower Mount Bethel township, in the county of Northampton, and state of Pennsylvania, by their petition, have represented to the legislature, that by virtue of a certain indenture or

deed of conveyance, bearing date the seventh day of May, in the year of our Lord one thousand seven hundred and ninety, executed by Robert Richart and Elizabeth his wife, John Scott, David Ayres, and William Richart, and their heirs, are seized of and in a certain tract or parcel of land, situate partly in Upper and partly in Lower Mount Bethel townships aforesaid, beginning at a stone corner standing in a line of Samuel Miller's land; thence extending north three degrees west forty perches and a half to a post, in a line of William Plummer's land; thence by the same north eighty-seven degrees east fifty perches and a half to a white oak, north three degrees west twenty-one perches and a half to a post, north eighty-seven degrees east twenty perches to a hickory, and south thirty degrees east one perch and one-tenth to a chestnut, in a line of Isaac Hilliard's land; thence along the same south eighty degrees east eighty-five perches and a half to a stone, north twenty-one degrees east five perches to a stone, south sixty-nine degrees east one hundred and eighteen perches to a stone, and south fifty-six degrees west thirty-three perches to a stone, in a line of William Richart's land; thence by the same south seventy-two degrees west sixty-eight perches to a stone, north three degrees west ten perches south eighty-three degrees west sixty-eight perches to a black oak, and south seventy-one degrees west forty-eight perches to a stone, in a line of Samuel Miller's land; thence by the same north thirteen degrees west forty-six perches to a stone, and south eighty-seven degrees west forty-eight perches and a half to the place of beginning, containing one hundred and one acres and seventy-three perches strict measure, in trust for the said congregation, which land and premises have been used for the accommodation of the officiating pastor or minister of the said congregation; that the said premises do not conveniently answer the purpose for which they were purchased; and that the members of the said congregation have unanimously agreed that the same be disposed of, and the moneys arising therefrom be applied towards the purchasing another piece of land for a parsonage, more conveniently situated, or for such other uses as the trustees and elders, with the consent of a majority of the members of the said congrega-

tion, may think proper; that William Richart, one of the trustees to whom the said conveyance was made, is removed out of these parts, and John Scott, another trustee, is by age and bodily infirmities rendered unfit for the transaction of business; and therefore have prayed the aid of the legislature. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall be lawful to and for David Ayres, with the consent and approbation of Joseph Bowman, Esquire, Peter Middagh, John Hutcheson, Jephta Arrison, and William Connelly, or a majority of them, to sell and dispose of the said described tract or piece of land, with the rights, members, privileges and appurtenances thereto belonging, as soon as the same may be conveniently done, either by private or public sale, for the best and highest price that can be gotten for the same, and to execute and deliver an assurance and conveyance of the premises, valid in law, to the purchaser, his or her heirs and assigns forever, saving the legal rights of all other persons therein, and to appropriate and apply the moneys arising from such sale towards the purchasing another piece of land for a parsonage, more conveniently situated, or for such other uses and purposes as the trustees and elders, with the consent of a majority of the members of the said congregation, may think proper, and for no other use or purpose whatsoever.

Passed April 11, 1799. Recorded L. B. No. 7, p. 31, etc.

CHAPTER MMLXXXIV.

A SUPPLEMENT TO THE ACT, ENTITLED, "AN ACT FOR OPENING AND ESTABLISHING A ROAD, BETWEEN THE NAVIGABLE WATERS OF THE FRANKSTOWN BRANCH OF THE RIVER JUNIATA AND THE RIVER CONEMAUGH."¹

Whereas, from the unexplored situation of the country between Frankstown and Ligonier Valley, at the time the commissioners acted under the act to which this is a supplement, they

were unable to lay out the road on the nearest course and best ground that the country afforded, and from the want of inhabitants for a considerable length of time after opening the said road, it is much out of repair. And whereas viewers have been appointed by the courts of quarter sessions of the different counties through which the said road passes, and have made such alterations therein as appeared to be necessary, and a number of the inhabitants of the counties of Huntingdon, Somerset and Westmoreland have, by their petition to the legislature, prayed that the said road be so altered, and a sum of money appropriated in aid of private subscriptions, for the purpose of repairing the sad road, and making the aforesaid alterations. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the road between the waters of the Frankstown branch of the river Juniata and the river Cone-maugh be, and is hereby, confirmed, as it has been altered by the courts of quarter sessions of the different counties through which the said road passes, and that the sum of eight hundred dollars of the moneys which are and hereafter shall become due from the county of Huntingdon to this commonwealth, on account of a loan made to the said county in the year one thousand seven hundred and ninety-four, be appropriated in aid of private subscriptions, for the purpose of altering and amending the same.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the governor of this commonwealth be, and he is hereby, empowered to contract with any suitable person who shall offer, for altering and amending the said road, in manner following, viz: That the said contractor shall be obliged faithfully and honestly to expend all the money hereby appropriated, as well as such sums of money which shall be raised by private subscription and put into his hands (except such part as the governor shall allow him for his services) on that part of the aforesaid road which lies between the western part of Frankstown settlement and Ligonier Valley; and the said contractor shall keep fair and just accounts of all the

¹Passed March 29, 1787, Chapter 1295.

moneys by him expended, and shall settle the same with the auditors for settling the accounts of the treasurer and commissioners of Huntingdon county, which accounts, when so settled and approved of by the judges of the court of quarter sessions of the aforesaid county, the said contractor shall lay before the governor, who shall allow him such sum as hath been agreed on for his services, not exceeding ten per cent. on all the moneys by him expended in altering and amending the said road, and shall forthwith release him from his contract.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That as soon as the governor shall have made a contract as aforesaid, he shall draw his warrant on the treasurer of Huntingdon county, in favor of the said contractor, for the sum of eight hundred dollars, to be paid out of the moneys due and to become due from the county of Huntingdon to the commonwealth, on account of a loan made by the state to that county in the year one thousand seven hundred and ninety-four; and the treasurer shall pay the aforesaid moneys to the contractor, as the same shall become due, for which he shall have credit on the books of the register general of this state, in the settlement of his accounts, on his producing the receipts of the contractor aforesaid.

Passed April 11, 1799. Recorded L. B. No. 7, p. 22, etc.

CHAPTER MMLXXXV.

A SUPPLEMENT TO THE ACT, ENTITLED, "AN ACT FOR THE REGULATION OF APPRENTICES."¹

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the passing of

¹Passed September 29, 1770, Chapter 616.

this act, if any apprentice shall absent himself or herself from the service of his or her master or mistress before the time of his or her apprenticeship shall be expired, without leave first obtained, every such apprentice, at any time after he or she arrives to the age of twenty-one years, shall be liable to, and the master or mistress, their heirs, executors or administrators, are hereby enabled to sustain all such actions and other remedies against him or her, as if the said apprentice had been of full age at the time of executing his or her indenture of apprenticeship.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That when any master or mistress shall die before the term of apprenticeship shall be expired, the executors or administrators of such master or mistress, provided the term of the indenture extended to executors and administrators, shall and may have a right to assign over the remainder of the term of such apprenticeship to such suitable person, of the same trade or calling mentioned in the indenture, as shall be approved of by the court of quarter sessions of the county where the master or mistress lived, and the assignee to have the same right to the service of such apprentice, as the master or mistress had at the time of his, or her death; and also when any master or mistress shall assign over his or her apprentice to any person of the same trade or calling mentioned in the indenture, the said assignment shall be legal, provided the terms of the indenture extended to assigns, and provided the apprentice, or his or her parent or [parents], or guardian or guardians, shall give his, her or their consent to such assignment, before some justice of the peace of the county where the master or mistress shall live.

Passed April 11, 1799. Recorded L. B. No. 7, p. 1, etc.

CHAPTER MMLXXXVI.

AN ACT TO CONTINUE FOR AN ADDITIONAL PERIOD, "AN ACT FOR INSTITUTING A BOARD OF PROPERTY, AND FOR OTHER PURPOSES THEREIN MENTIONED."¹

Whereas an act, entitled, "An act to continue in force for a longer period," "An act for instituting a board of property, and for other purposes therein mentioned," passed the thirteenth day of January, one thousand seven hundred and ninety-four,² will expire with the present session.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the act, entitled, "An act for instituting a board of property, and for other purposes therein mentioned," and every matter and thing contained therein, the limitation clause only excepted, shall be, and the same are hereby, continued to the thirtieth day of December, one thousand eight hundred and three, and from thence until the end of the session of the general assembly, and no longer.

Passed April 11, 1799. Recorded L. B. No. 7, p. 4, etc.

CHAPTER MMLXXXVII.

- AN ACT FOR COMPLETING THE EDUCATION OF JOHN KONKAPOT, JR.

Whereas, on the twenty-fourth of March, one thousand seven hundred and ninety-seven, the legislature granted the sum of two hundred dollars for the education of John Konkapot, junior. And whereas it is judged expedient to complete the education of the said John Konkapot. Therefore:

¹Passed January 8, 1791, Chapter 1522.

²Chapter 1796.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor of this commonwealth be enabled to provide for completing the education of John Konkapot, junior, one of the Oneida Indians, at the public expense, provided the whole sum to be expended shall not exceed the sum of one hundred and fifty dollars, to be paid from time to time, as the same may be necessary for completing the education of the said John Konkapot, junior, to be paid, by warrant drawn by the governor, out of any money that may be in the treasury.

Passed April 11, 1799. Recorded L. B. No. 7, p. 9.

CHAPTER MMLXXXVIII.

AN ACT TO ENABLE ALIENS, IN CERTAIN CASES, TO PURCHASE AND HOLD REAL ESTATES WITHIN THIS COMMONWEALTH.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, it shall and may be lawful for each and every foreigner or foreigners, alien or aliens, not being the subject or subjects of some sovereign, state or power, which is or shall be, at the time or times of such purchase or purchases, at war with the United States of America, to purchase lands, tenements and hereditaments within this commonwealth, and to have and to hold the same in fee simple, or for any lesser estate, as fully, to all intents and purposes, as any natural born citizen or citizens may or can [do]. Provided always nevertheless, That any foreigner or foreigners, alien or aliens, shall, previously to such pur-

chase or purchases, declare his or their intention to become a citizen or citizens, agreeably to the act of congress, entitled, "An act supplementary to, and to amend the act, entitled, 'An act to establish an uniform rule of naturalization, and to repeal the act heretofore passed on the subject,' " passed the eighteenth day of June, one thousand seven hundred and ninety-eight.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That any foreigner or foreigners, alien or aliens, who has or have already made any bona fide contract or contracts, or received any patent or patents, or other deed of conveyance, for or on account of the purchase of any lands, tenements or hereditaments within this commonwealth, may and shall take and hold the same in fee simple, or for any lesser estate, according to the nature of his, her or their several and respective contracts, patents or deeds of conveyance, as fully, to all intents and purposes, as any natural born citizen or citizens might or could do, any law, usage or custom to the contrary thereof in anywise notwithstanding.

Passed April 11, 1799. Recorded L. B. No. 7, p. 23, etc.

CHAPTER MMLXXXIX.

AN ACT TO ENABLE THE GOVERNOR OF THIS COMMONWEALTH TO APPOINT COMMISSIONERS, TO ASCERTAIN THE BEST ROUTE FOR, AND MODE OF EFFECTING, A COMMUNICATION BETWEEN THE WATERS OF THE DELAWARE AND CHESPEAKE BAY, AND APPROPRIATING A SUM OF MONEY FOR OPENING THE NAVIGATION OF THE RIVER SUSQUEHANNA DOWN TO THE MARYLAND LINE.

Whereas a communication between the waters of the Delaware and Chesapeake Bay, and the opening the navigation of the river Susquehanna, would greatly promote the interest of the inhabitants of this and the adjoining states of Maryland and Delaware, and be productive of considerable advantage to the inhabitants of other states, and there is reason to believe the same may be perfected at a very moderate expense, compared with the benefits likely to be experienced therefrom.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor of the commonwealth be, and he is hereby, authorized and empowered to appoint three commissioners, for the purpose of exploring and ascertaining the best course or track for effecting a communication between the waters of the Delaware and Chesapeake Bays, by means of a canal; and it shall be the duty of said commissioners, jointly with commissioners who shall [or may] be appointed on behalf of the states of Maryland and Delaware, to explore and ascertain the best course or tract on which the same may be effected, and report the same, with a draught and description thereof, and of all and every the works and locks requisite to its complete operation, also an estimate of the probable expense of perfecting all and every part thereof, to the governor of this commonwealth; which said commissioners shall be allowed three dollars and fifty cents each for every day necessarily employed by them respectively, in performing the duties of their appointment, to be paid to them on the warrants of the governor, out of the funds appropriated for the support of government.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That a sum not exceeding ten thousand dollars be, and the same is hereby, appropriated to defray the expenses of improving the navigation the river Susquehanna, from Wright's ferry to the Maryland line, for which purpose the governor is hereby authorized to contract with such person or persons, as may be desirous and capable of effecting the same, in the most advantageous and effectual manner, and [may] from time to time draw warrants on the state treasurer for such parts of the said sum as may be requisite, until the whole shall be expended, which warrants shall be paid by the state treasurer, out of the moneys appropriated for the support of government.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That none of the provisions in the foregoing sections contained shall be of any force or effect until provision by law shall have been made by the respective legisla-

tures of the states of Maryland and Delaware, for the purpose of effecting the said communications with the waters of the Delaware and Chesapeake Bays, by means of a canal; and any individual or company who shall, without proper authority from the governor of this commonwealth, remove or attempt to remove the obstructions in the river Susquehanna between Wright's ferry and the Maryland line, shall be fined in a sum not less than two hundred dollars nor more than two thousand dollars, with such imprisonment, as the court before whom they are prosecuted in their discretion may direct, not exceeding six months.

Passed April 11, 1799. Recorded L. B. No. 7, p. 19, etc.

CHAPTER MMXC.

AN ACT CONCERNING WRITS OF PARTITION.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the supreme court shall have original jurisdiction over the whole commonwealth, as to the granting and proceeding upon writs of partition, at the suit of any tenant in common, joint tenant of copartner, and that such writs may be directed to and executed by the sheriff of any one county, wherein any part of the lands and tenements intended to be divided are situate, who shall have power, in cases where lands lie in different adjacent counties, or where the lands lie partly in one county and partly in another, to summon a proportionable number of jurymen of the freeholders of each of the said counties, to form an inquest for making a just and equal partition between the parties; and that such sheriff shall hold the inquisition either in his own county or [any] such adjacent county, and make return thereof to the court, as in ordinary

cases; and that such proceedings shall be as good and available in law, as if the partition had been made by the sheriff and inquest of each respective county.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That where any writs of partition shall issue from the supreme court, or from any court of common pleas in this state, having jurisdiction and power to issue such writs, if the inquest who are directed to make such partition shall be of opinion that the lands or tenements cannot be divided, according to the command of the writ, without prejudice to or spoiling the whole, the said inquest shall then make and return to the court a just valuation and appraisement of such lands and tenements, whereupon, if the said court shall approve of the said return, and if any one or more of the parties shall elect to take the said lands and tenements at the appraised value, the same shall be adjudged to him or them, he or they paying, or securing to be paid, to the other parties, their proportions of the appraised value, according to their respective rights; but in case each of the persons interested, or more than one of them, shall be willing to take the lands and tenements at the appraised value, then, in that case, the court shall determine to whom the lands and tenements shall be conveyed, and the sheriff and his successor in office shall, according to the said order of court, make and execute conveyance to the party or parties electing to take the same, subject, nevertheless, to a lien thereon, in favor of the others of the said parties, until payment be made to them of their respective shares of the money as aforesaid; and in case none of the said parties shall agree to take the said lands and tenements on the terms aforesaid, then the said court shall and may, at the instance of the demandant in the said partition, make an order for the sale of the said lands and tenements at public auction, by the sheriff, who shall have holden the said inquisition, or his successor in office, after due and fair notice of the time and place of such sale, by advertisements published and set up in the several counties where the lands lie, and also in such public newspapers as shall be most likely to give fair and full notice of such sale to all the parties concerned and others.

which public notice shall be given at least twenty days before the time of sale, in cases where the lands all lie in the same county, and at least sixty days, where the lands lie in different counties; and the said sheriff is hereby empowered and ordered to execute deeds to the purchasers for the lands and tenements so as aforesaid sold, on receiving payment of the consideration money, or taking sufficient security therefor, to the satisfaction of all the parties concerned, which money or securities shall be brought into court, before or at the time of the said sheriff's acknowledging the deed in open court, to be distributed and paid by order of the said court, to and amongst the several parties entitled to receive the same, in lieu of their respective parts and purparts of the said lands and tenements, according to their just rights and proportions.

(Section III, P. L.) And whereas divers persons, having an interest in large tracts of unimproved lands in this commonwealth, jointly, or in common with others, may be desirous of obtaining a partition of such lands, but from the unavoidable expense attending the execution of writs of partition in the ordinary way, as well as by the absence or minority of some of the owners thereof, are prevented from obtaining such partition, to the great injury of such persons, and to the manifest discouragement of persons wishing to improve the land.

[Section III.] Be it [further] enacted by the authority aforesaid, That in all cases where the lands are not seated or improved, but remain in their natural state, any person or persons, holding at least one-fourth part of such lands, jointly or in common with others, may exhibit his, her or their petition to the supreme court, or to the court of common pleas of the county where the lands lie, praying for a valuation and sale thereof; and it shall be lawful for the justices of either of the said courts to order a writ, directed to the sheriff of the county where the lands lie, commanding him to summon an inquest for that purpose, who shall make and return a just valuation and appraisement of the land, due notice first being given to the several parties concerned or interested in the said lands, or to the guardians of such of them as are minors, to appear, if they think proper,

at the time and place of holding the [said] inquisition; and on the return of the said inquisition, if the several persons concerned in interest, and the guardians of such of them who are under age, shall refuse to take and pay for the lands at such valuation, it shall be in the power of the court, in case they approve of the said return of the appraisers, to order that sale be made of such lands, in manner aforesaid, and to make distribution of the produce of such sale to and amongst the several persons interested in the said lands, according to their several rights. Provided always, That every deed or conveyance made by any sheriff or sheriffs, by virtue of this act, shall be acknowledged in open court, and entered on the records thereof, and shall also be recorded, within six calendar months next after the execution thereof, in the county or counties where the said lands and tenements shall lie.

Passed April 11, 1799. Recorded L. B. No. 7, p. 10, etc.

CHAPTER MMXCI.

AN ACT TO SUPPLY CERTAIN DEFECTS IN THE ACTS INCORPORATING THE CITY OF PHILADELPHIA AND SUNDRY TOWNS AND BOROUGHES WITHIN THIS COMMONWEALTH, AND TO EXPLAIN AND AMEND AN ACT, ENTITLED, "AN ACT TO ALTER AND AMEND THE SEVERAL ACTS OF THE GENERAL ASSEMBLY OF THIS COMMONWEALTH, INCORPORATING THE CITY OF PHILADELPHIA,"¹ AND FOR OTHER PURPOSES.

Whereas the ordinances and by-laws of the city of Philadelphia, and of sundry other incorporated towns and boroughs within this commonwealth, impose, in certain cases, fines, penalties and forfeitures, which inure to the benefit of the said corporations, respectively, by reason whereof it has been held that none of the freemen of the said corporations are competent to prove the breach of the said ordinances and by-laws, and [the] accruing of such fines, forfeitures and penalties, or to hear, judge and determine respecting the same, inasmuch as the same would

operate a diminution of their share of contribution for supporting such corporation. And whereas it would be in all cases difficult, and in many instances impracticable, to prove such breaches by any other testimony, or to hear, judge and determine respecting the same, before any other than judges or jurors liable to such exception, and the interest of each individual in the application of such fines, forfeitures and penalties is too remote and inconsiderable to give an improper bias to his testimony, judgment or verdict respecting the same. Therefore, for furtherance of justice, and the due enforcement of wholesome regulations:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, no freeman of the city of Philadelphia, or of any other incorporated town or borough within this commonwealth, nor any other person, otherwise competent to give testimony respecting the breach of any ordinances, by-laws or regulations of the said city of Philadelphia, or any such other incorporated town or borough, shall be excluded from giving testimony respecting the same, by reason that the fine, forfeiture or penalty, imposed for such breach, is or may be appropriated in aid of the funds of such corporation, but every such person, otherwise competent, shall be admitted to give testimony, as fully as though he or she were not resident within the bounds, or a partaker in the interests of such city, town or borough. Provided, That nothing herein contained shall authorize any person or persons, who receive alms or any pension or gift, out of the funds, in aid of which any of the said fines, forfeitures or penalties are appropriated, to give testimony touching the breach of such ordinances or by-laws, and the accruing of such fines, forfeitures and penalties.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That no court, aldermen or burgesses, otherwise by the laws of this commonwealth qualified and authorized to hear, judge and determine respecting the breach of any such ordinances or by-laws, and the accruing of such fines,

forfeitures and penalties, shall be disqualified to hear, judge and determine the same, by reason of the interest they as members of such borough or corporation may have in the said fines, forfeitures and penalties, but shall shall [sic] have as full, perfect and complete jurisdiction respecting the same, as if no such fine, forfeiture or penalty were to be incurred, or they had no such interest in the same.

(Sectin III, P. L.) And whereas the freemen and citizens of the city of Philadelphia only are competent and compellable to serve in the courts of the said city, held by the mayor, recorder and aldermen, as justices of the peace, and justices of oyer and terminer and gaol delivery. Therefore:

[Section III.] Be it further enacted by the authority aforesaid, That in all prosecutions and proceedings before the said mayor, recorder and aldermen of the said city, for or respecting the breach of any ordinances, by-laws or regulations of the said city, the said freemen and citizens of the said city shall be competent to be jurymen on such prosecutions and proceedings, and the trials thereof, and no exception shall be allowed against the said freemen or citizens, either to the array or [the] polls, for or by reason that the same fine, forfeiture or penalty, imposed for such breach, is expressly or by implication forfeited to the said corporation, or is or may be appropriated in aid of the funds of the said city, or for the use thereof, in the same manner and under like rules and regulations as if the said fines, penalties and forfeitures had not been appropriated, and were not to accrue to the use of the corporation of the said city.

(Section IV, P. L.) And whereas doubts have arisen upon the construction of the act, entitled, "An act to alter and amend the several acts of the general assembly of this commonwealth, incorporating the city of Philadelphia,"² and it is necessary that the same be explained and amended.

[Section IV.] Be it further enacted by the authority aforesaid, That the mayor of the city of Philadelphia shall appoint all and every the officer and officers of the corporation, whose authorities and powers shall have been, or hereafter shall be, given

¹Passed April 4, 1796, Chapter 1905.

²See Ante.

or established by any resolution or ordinance by the select and common councils of the said city of Philadelphia, excepting only the treasurer of the corporation, and the clerks, messengers and door-keepers of the said councils, who shall be appointed as heretofore.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the select and common councils shall have all and singular the powers and authorities, rights and privileges, incident to the corporation, and to the well governing thereof, which were formerly vested in the mayor, aldermen and common council, by an act, entitled, "An act to incorporate the city of Philadelphia," passed the eleventh day of March, one thousand seven hundred and eighty-nine,³ which are not otherwise by law directed and provided for.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That whenever the office of mayor shall become vacant, by death, resignation or otherwise, it shall be lawful for the select and common councils of the city of Philadelphia, as soon as conveniently may be after such vacancy shall so happen, to assemble together and elect a mayor, in the manner directed by law in ordinary cases, and the mayor so chosen shall continue in office until the third Tuesday in October next succeeding such election, and no longer; and that in case of any vacancy happening by the death, resignation or otherwise, of any member of the select council, such vacancy shall be supplied at the next general election, and the person chosen shall serve the residue period of time, and in the class, of such person, whose vacancy he may be chosen to fill.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That all the officers of the corporation, already appointed by the select and common councils, now in office, shall continue to exercise the powers and duties of their several offices, respectively, until the first day of January next, any irregularity in the appointment of such officers to the contrary in anywise notwithstanding.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That, from and after the passing of this act, the mayor and recorder of the city of Philadelphia, respectively, shall be, and they are severally hereby, empowered and authorized to take acknowledgments of deeds for lands or other real estate, in any part of this commonwealth; and for taking every such acknowledgment, either of the said officers so taking the same shall be entitled to receive thirty-seven cents and an half, and no more.

Passed April 11, 1799. Recorded L. B. No. 7, p. 15, etc.

CHAPTER MMXCII.

AN ACT TO EXTEND, FOR A LIMITED TIME, AN ACT, ENTITLED, "A FURTHER SUPPLEMENT TO THE ACT, ENTITLED, 'AN ACT FOR MAKING AN ARTIFICIAL ROAD FROM THE CITY OF PHILADELPHIA TO THE BOROUGH OF LANCASTER, AND FOR OTHER PURPOSES'"¹

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the act, entitled, "A further supplement to the act, entitled, 'An act for making an artificial road from the city of Philadelphia to the borough of Lancaster,'" passed the fourth day of April, in the year of our Lord one thousand seven hundred and ninety-eight,¹ which, by its own limitation, was to continue in force during the term of two years, and no longer, be, and the same is hereby, declared to be continued in force for seven years from the passing of this act, and from thence to the next session of the general assembly, and no longer.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the president and managers of the said turnpike road, for the time being, shall and may, and

¹Chapter 2008.

they are hereby authorized and empowered to grant, demise and to farm let, to any person or persons with whom they can agree, the tolls and duties, which they by virtue of the act incorporating them, or by any supplementary act, are authorized to demand and receive for passage in, upon and along the said road, at any gate or turnpike over or by the side of the same road, or any part of the same, for any term not exceeding seven years, under such rents and convenient reservations and conditions, as the said president and managers, at any meeting of their board, shall agree upon, which grants and demises shall have the same construction, force and effect, as other the like grants and demises made between private persons have and receive at law.

Passed April 11, 1799. Recorded L. B. No. 7, p. 14, etc.

CHAPTER MMXCIII.

AN ACT TO AUTHORIZE THE GOVERNOR TO PROCURE ON LOAN THE SUM OF ONE HUNDRED THOUSAND DOLLARS, TO SUSPEND FOR A LIMITED TIME THE ACT, ENTITLED, "AN ACT TO PROVIDE ARMS FOR THE USE OF THIS COMMONWEALTH," PASSED THE TWENTY-EIGHTH DAY OF MARCH, ONE THOUSAND SEVEN HUNDRED AND NINETY-SEVEN: I FURTHER TO PROVIDE FOR THE SETTLEMENT OF THE ACCOUNTS OF THE BRIGADE INSPECTORS, TO MAKE CERTAIN APPROPRIATIONS, AND FOR OTHER PURPOSES.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor be, and he is hereby, authorized to borrow from the Bank of Pennsylvania the sum of one hundred thousand dollars, on the terms and conditions following, that is to say: fifty thousand dollars of the said sum shall be forthwith placed to the credit of the state on the books of the bank, and the remainder thereof at any time within one year from the passing of this act, in one entire sum,

and when the same shall be so placed, it shall bear an interest after the rate of six per cent. per annum, but no such credit shall be given except for the said first mentioned fifty thousand dollars, unless on thirty days' notice by the governor to the president and directors of the bank; and for the payment of the interest on the sum which may be borrowed, in virtue of this act, it shall be lawful for the president and directors of the said bank to retain, out of the dividends which shall be due to this commonwealth, half yearly, so much as will [dis]charge the interest, at the rate aforesaid, which may have then accrued; and the said principal sum, or so much thereof as may be borrowed as aforesaid, shall be repaid within two years from and after the respective instalments shall have been placed to the credit of the commonwealth as aforesaid, in such proportions as may be convenient to the commonwealth, provided the same be not repaid in sums less than twenty thousand dollars each, nor until thirty days' previous notice shall have been given to the president and directors of the bank of the intention of such payment; and for effectually securing the repayment of the said principal sum of one hundred thousand dollars, or so much thereof as shall be borrowed as aforesaid, a number of shares in the said bank, the property of this commonwealth, equal to the sum which may be so borrowed, estimating the said shares at four hundred dollars each, are hereby pledged.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the act, entitled, "An act to provide arms for the use of this commonwealth," passed the twenty-eight day of March, one thousand seven hundred and ninety-seven,² be, and the same is hereby, suspended for the term of two years from and after the passing of this act. Provided always, That nothing herein contained shall invalidate any contract or contracts already made by the governor with any person or persons, by virtue of the above recited act.

(Section III, P. L.) And whereas by the act, entitled, "An act to provide a more effectual method for settling the accounts of the several brigade inspectors within this commonwealth,"

¹Chapter 1940.

passed the fourth day of April, one thousand seven hundred and ninety-eight,³ it is declared that the auditors appointed in pursuance thereof shall, within four months thereafter, settle the accounts of the several brigade inspectors within this commonwealth, and make report of their proceedings to the courts of common pleas of their respective counties, and that the prothonotaries of the several counties should, after the lapse of sixty days from the making such report, make return thereof to the state-treasurer. And whereas the provisions of the said act have not been found effectual, notwithstanding there is reason to believe that considerable sums have been received by, and large balances are due from, those officers, and it is of importance that they be brought to an account.

[Section III.] Be it therefore enacted by the authority aforesaid, That the comptroller general be, and he is hereby, authorized and required to demand of the prothonotaries and auditors to make report of their proceedings within four months from the passing of this act; and if report be not made within that time, then and in that case, the said comptroller shall thenceforth proceed to compel, by all lawful ways and means, the said auditors to report the business, as far as they have proceeded therein, and shall have the same power to compel such of the brigade inspectors, as have not settled their accounts, to make a settlement thereof, as he has in the case of county treasurers, and shall, with the assistance of the register general, settle and adjust such of the said accounts, as shall not have been settled in pursuance of the said last recited act.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That for the payment of the following debts and expenses of government, there be appropriated, out of the funds for the support of government, the sum of seven thousand six hundred and forty-one dollars and four cents, that is to say, for the necessary clerk hire, printing, stationery, attendants, expresses, fuel, and other contingent expenses of the executive department, for one year from the passing of this act, including all balances which former appropriations are not

²Chapter 1940.

³Chapter 2002.

sufficient to discharge, the sum of three thousand five hundred dollars; for the payment and discharge of certain certificates issued under the authority of the act, entitled, "An act to provide for the settlement of the public accounts, and for other purposes therein mentioned," passed the fourth day of April, one thousand seven hundred and ninety-two,⁴ the sum of one thousand six hundred dollars; for the payment of clerks, to be employed in the office of the comptroller general, in settling the account of the late comptroller general and state treasurer, the sum of one thousand five hundred dollars; for the payment of clerks, to be employed in the office of the register general, in settling the same accounts, the sum of nine hundred dollars; for the payment of Robert Haydock and company, for glazing and painting done to the state house during the year one thousand seven hundred and ninety-eight, the sum of twenty-two dollars and seventy-two cents; for the payment of Joseph Gales, for newspapers furnished from the twelfth of September, one thousand seven hundred and ninety-seven, to the twelfth of September, one thousand seven hundred and ninety-eight, the sum of four dollars; for the payment of Joseph Fry, for amount paid by him for work done in the state house yard, the sum of fourteen dollars and thirty-two cents; and for the payment of such incidental expenses as may occur during the present year in keeping the state house and yard in repair, the sum of one hundred dollars.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the governor shall lay before the next general assembly a particular account of the disbursements made on account of the expenses of the executive department.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That all warrants to be drawn on the treasury by the governor, for the sums of money appropriated by this act, shall be under the same regulations and restrictions as are directed in other cases.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the comptroller general and register general shall, in the first week of the session of the next

⁴Chapter 1627.

general assembly, lay a particular and separate statement before each house, of the progress they have made in the settlement of the accounts of the late comptroller general and state treasurers, and also of the progress they have made in bringing to an account the auditors appointed to settle with the brigade inspectors; and if any difficulties arise in performing their respective duties, they shall, at the same time, make report to each house of such difficulties, that legislative measures may be taken to remove them.

Passed April 11, 1799. Recorded L. B. No. 7, p. 35, etc.

CHAPTER MMXCIV.

AN ACT FOR ESTABLISHING AN HEALTH OFFICE, FOR SECURING THE CITY AND PORT OF PHILADELPHIA FROM THE INTRODUCTION OF PESTILENTIAL AND CONTAGIOUS DISEASES.

Whereas the laws of this commonwealth, for preventing the introduction of pestilential or contagious diseases into the port of Philadelphia, have been found by experience defective.

[Section I.]. (Section I, P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That a board of health shall be appointed, as hereinafter directed, who are hereby erected into a body corporate, in deed and in law, by the name, style and title of "The Board of Health," who shall have perpetual succession, and enjoy all and every the rights, liberties, privileges, powers, authorities and immunities incident or belonging to a corporation or body politic; and shall, moreover, have and exercise the powers and authorities hereinafter mentioned, that is to say, the present board of managers of the Marine and City hospitals shall nominate twenty-four persons, fourteen of whom shall be resident in the city of Philadelphia, four within the Northern

Liberties, four within the district of Southwark, and two within the township of Moyamensing, the mayor or recorder and aldermen of the city of Philadelphia, or any four of them, the mayor or recorder being one, and the justices of the peace of the county of Philadelphia residing within the Northern Liberties, district of Southwark and township of Moyamensing, or any three of them, shall meet immediately after the passing of this act, and on the last Monday in December in every year thereafter, and appoint twelve of the persons so nominated by the board of managers of the Marine and City hospitals, seven of whom shall be resident in the city of Philadelphia, two within the Northern Liberties, two within the district of Southwark, and one within the township of Moyamensing, to be a board of health, and shall cause notice to be given to each person so appointed to meet his colleagues, on some day in the ensuing week, at the health office in the city of Philadelphia, for the purpose of organizing their board, choosing their officers, and proceeding to perform the duties by this act enjoined on them; and in case of the death or refusal to serve of any of the members, the board shall nominate, and the mayor or recorder, aldermen and justices aforesaid, appoint in manner as aforesaid; at which first meeting of the board they shall choose, out of their own body, a president, secretary and treasurer; the treasurer shall give bond with sureties, as the county treasurer is bound to do, and shall receive all moneys belonging to the said corporation, and pay and disburse the same upon the order of the board, signed by the president, and attested by the secretary, and shall keep fair and just accounts of his receipts and expenditures, and shall make abstracts thereof, whenever the board shall require the same; and, once in every year, shall adjust all his accounts, and the same, being allowed by the board, shall be published in one or more of the public newspapers of the city; and the said board shall sit upon their own adjournments, as they shall find necessary, but at least once in every week between the last day of May and the first day of October in every year, and whenever they shall be summoned by order of the president or two of the members, at which meeting

three members shall be a board to transact business, but a lesser number may adjourn; and, if the president be absent, they shall choose a chairman for the time; and the said board shall have full power to make general rules, orders and regulations, for the government and management of the lazaretto, and the vessels, cargoes and persons under quarantine, and the health office and public hospitals, and for prescribing the mode of visiting and examining vessels, persons and houses; and the governor is hereby authorized and required to appoint a resident physician, consulting physician, an health officer and quarantine master; and the said board shall have power to appoint such other officers and servants, as from time to time shall be found necessary, to perform the several duties required by this act, and their future regulations, and to remove any of the officers and servants by them appointed, and appoint others in their places; to allow and pay to the officers or servants, so appointed, such compensation for their respective services (except those hereinafter especially provided for) as the said board shall from time to time deem proper and just, and to take care that all and every the regulations for the governing and managing the said lazaretto and the health office and public hospitals contained in this act, and in their own rules and orders, be carried into full and perfect execution, and shall keep fair minutes of all their regulations and transactions, while sitting as a board.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the buildings now erected on State island, called the Marine hospital, and the ground therewith reserved and therewith occupied, and the messuages and lots commonly called the City hospital, situate on the north side of Sassafras street and east side of the river Schuylkill, are hereby vested in, and shall be under the management of the board of health, who shall have power to sell and convey, in fee simple, the said City hospital, and the messuages and lots thereto belonging, and, with the consent of the governor, to purchase such other lots, and erect such buildings thereon, as they may deem expedient, for the purpose of a public hospital, and the same to take and hold in trust for that purpose; they shall also have power,

with the consent of the governor, to purchase a tract of land, not exceeding fifty acres, within the limits and jurisdiction of this state, on the river Delaware, and to erect such buildings and other improvements thereon, as in their judgment may be necessary for the purpose of landing and receiving the cargoes of ships for purification, and for the accommodation of persons, which place shall be called the lazaretto, provided that until a suitable and convenient place shall be procured for the lazaretto as aforesaid, the Marine hospital, and the ground therewith reserved and therewith occupied, with the appurtenances, be, and they are hereby, appropriated to the same uses, and declared to be the lazaretto.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That every ship or vessel coming from any foreign port or place, bound to the port of Philadelphia, between the first day of April and the first day of October, in every year, shall come to anchor in the river Delaware, as near to the lazaretto as her draught of water and the state of the tide and weather will reasonably admit, before any part of the cargo or baggage be landed, or any person, who came in such ship or vessel, shall leave her, or any person be permitted to go on board, and shall submit to the examinations, and obtain the certificate hereinafter specified; and if any master, commander or pilot, shall leave his station before the said lazaretto, or if any master or commander shall permit or suffer any part of the cargo or baggage, or any person or persons arriving in such ship or vessel from any port beyond the limits of the United States, to be landed on either shore of Delaware bay or river, or suffer any person, except the pilot, to come on board before such examination be duly had, and certificate obtained, the person or persons so permitting, and the person or persons so landing or going on board, unless imminent danger [of the loss] of the vessel or lives of the crew shall render assistance necessary, being thereof convicted, upon indictment under this act, by verdict, confession or standing mute, in any court having criminal jurisdiction within this commonwealth, shall be sentenced to and suffer confinement at hard labor, in the gaol of the county of Philadelphia, for any space not less than one or more than five years.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the resident physician and quarantine master, so soon as any ship or vessel shall be anchored near the lazaretto, in the day time, immediately (wind and weather permitting) to go on board the same, and there demand from the master or commander, and from the officer second in command, or any other person on board, whom they may think proper, severally and apart from and as soon as may be after each other, the name of the vessel, commander and pilot, the place from whence she last came, and of all other places at which she may have touched during the voyage, whether any sickness prevailed in the harbor or on shore at any of these places, the number of the crew and passengers with which she sailed, whether any have been sick or died since she sailed, an account of the cargo and ballast of the said vessel, and the length of time they have been on board, a view of her shipping articles, logbook and bill of health (if she came from a port whence a bill of health is required or accustomed to be brought) and a sight of all persons on board, and to demand answers, under oath or affirmation to be administered by the resident physician, or, in his absence, by the quarantine master, who are hereby severally empowered to administer the same, to all such questions touching the health of the crew and passengers during the voyage, and the nature of the cargo, as the board of health, by their rules, shall from time to [time] direct to be asked; and if the answers shall be satisfactory, if the number of the crew and passengers shall agree with the articles, bill of health, and other documents produced, and the verbal account of the master or commander; and if there shall appear no ground to suspect that any of the crew or passengers have died in the voyage, or are then laboring under any contagious disease whatever (the smallpox or measles excepted) or that the cargo on board or ballast of the vessel is infected, then, and in such case, the said physician and quarantine master shall give to the master or commander a certificate of the facts, in such form, as shall, for that purpose, be devised by the board of health, permitting such ship or vessel to proceed to the city, or to land the passen-

gers, which certificate the said master or commander shall present at the health office in Philadelphia, within twenty-four hours after his arrival and safely mooring there; and if he shall neglect so to do, being thereof convicted, upon indictment under this act, by verdict, confession or standing mute, in any court of criminal jurisdiction in this commonwealth, he shall be sentenced to pay a fine of fifty dollars, to be recovered and appropriated as is hereinafter provided and directed; and if, upon examination, any difference shall appear between the written documents produced by the master, or his verbal account, and the number and state of the crew and passengers, or any suspicion shall arise in the mind of the resident physician or quarantine master touching the health of the crew or passengers, or any of them, or the infectious state of the vessel or cargo on board, they shall order the vessel to remain at anchor near the lazaretto, and shall make out a report of the state of the vessel, crew, passengers, and cargo, as to their health or otherwise, and shall transmit the same, together with the letter-bag of the vessel, and such letters as the master, commander or passengers shall think proper to write to his or their owners, consignees or friends, to the health officer in Philadelphia, who shall safely deposit the same in the post office, under the necessary precautions to guard against the communication of infection from the same; and thereupon the board of health shall determine and direct what measures shall be pursued in order to purify the vessel and cargo, and restore the health of the diseased persons on board, which direction shall be carried into execution, under the inspection of the resident physician and quarantine master, at the expense of the master, owners or consignees of the vessel and goods respectively, in such manner as by the said orders shall be directed; and the same being perfected, the said physician and quarantine master shall, with the special consent, in writing, of the board of health, grant a certificate thereof, with permission for the said vessel, cargo, crew and passengers to proceed to the city, in manner hereinabove mentioned; and while the resident physician and quarantine master are making examination as aforesaid, or in case of any examination by the health officer or consulting physician,

agreeably to this act, the captain or master of any ship or vessel shall refuse to expose, or cause to be exposed, to the search of the resident physician, quarantine master, health officer or consulting physician, as the case may be, each and every part of the ship or vessel, or to present to his view each and every person on board thereof, and shall not true and satisfactory answers make to all such questions as the said resident physician, quarantine master, health officer or consulting physician, respectively, shall ask, agreeably to this act, or the rules which shall from time to time be established by the board of health, or if he shall knowingly deceive, or attempt to deceive, the proper officers as aforesaid, in his answers to their official inquiries, such captain or master, for each and every such offence, on being thereof legally convicted, shall forfeit and pay a sum not exceeding five hundred dollars, to be recovered and appropriated as is hereinafter provided and directed, and, moreover, shall be sentenced to imprisonment at hard labor for any term not less than one year, nor exceeding five years; and whenever the resident physician, quarantine master, consulting physician or health officer, as the case may be, shall direct any person or persons, or any goods, wares, merchandise, bedding or clothing to be landed at the lazaretto, or any ship or vessel to be detained opposite thereto, and there to be cleansed and purified, the captain of the ship or vessel shall, in all respects, conform to such directions, and shall, at the proper cost and charge of his employers, carry the same into effect, under the direction of the resident physician and quarantine master; and if any master or captain shall refuse or neglect to conform to the said directions, and to carry the same into effect as aforesaid, he shall forfeit and pay the sum of five hundred dollars for each and every offence, to be recovered and appropriated as is hereinafter provided and directed.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That all ships and vessels, as well vessels of war as merchant vessels, arriving at the said lazaretto from any port or place in the Mediterranean, or the seas or waters connected with the same to the eastward of the straits of Gibraltar, or from the coast of Africa without the straits of Gibraltar,

and the territory of the same, and the ports of Africa, other than the Cape of Good Hope, in the Indian Ocean, and from the mainland of North or South America, or the West India Islands, between the latitude of the river St. Mary, in Georgia, and the beginning of the latitude of thirty degrees south of the equator, and from Batavia, in the Island of Java, from the fifteenth day of May to the first day of October, shall there be detained at anchor, and discharge the whole of their cargoes and ballast, which, together with the vessels, bedding, clothing, and every other article on board, which may be supposed capable of retaining infection, shall be perfectly cleansed and purified, under the direction of the resident physician and quarantine master, at the cost and charge of the owner or consignee, agreeably to such rules and regulations as the board of health shall from time to time direct for that purpose; and when any of the said vessels, cargoes, bedding, clothing or other articles shall be effectually cleansed and purified, the resident physician and quarantine master, upon receiving the full amount of the expense and charges for storing, keeping, cleansing and purifying the same, shall make re-delivery thereof to the captain, master, owner or consignee of the ship or vessel in which the same were imported, and deliver to the captain or master of said ship or vessel the certificate of the facts, to be presented at the health office as aforesaid, and discharge from quarantine such of the crew or passengers of said ship or vessel, as may be in a healthy state, provided the said vessel shall have been at least fifteen days under quarantine, unless she shall be furnished with one or more ventilators, in such form as the board of health shall approve, whereof public notice shall be given in at least two of the newspapers printed in this city, within two weeks after the passing of this act, in which case the cargo of the said vessel shall be re-delivered and shall be discharged as aforesaid, provided she has been at least ten days under quarantine; and the said captain, master, owner or consignee may transport the cargo so re-delivered, or any part thereof, from the lazaretto in lighters, which shall be permitted to receive the same, under such precautions as the board of health may adopt, to prevent a communication between the persons conducting such lighters and the ves-

sels, cargoes and persons under quarantine. And whenever the board of health shall have reason to apprehend that the health of the city will be endangered, by permitting any vessel, persons or cargo, coming from places infected or usually infected with the plague, to proceed to, or be landed at the city of Philadelphia, they shall have full power and authority to detain and unlade the said vessel, and cause such measures to be taken as will be conducive to the purification of such vessel, and of the persons and cargo on board thereof. Provided always, That wine, rum, salt, spirits, molasses, sugar, mahogany, manufactured tobacco, dye wood, preserved fruits, and such other articles as the board of health shall by their general regulations specify and permit, hides, coffee, bedding and clothing, and putrifying substances always excepted, may be unladen into lighters, and after remaining therein during so long a time as shall be directed by the board of health, may be conveyed in such lighters to the city of Philadelphia, subject to such exceptions, regulations and restrictions, with respect to the unloading, detention, ventilating, transporting and delivery thereof, as may be established by the said board of health, whose duty it shall be, in making such regulations, to prevent any personal intercourse between the lightermen conducting such lighters and the persons on board the ships or vessels, from which such goods, wares merchandise may be so unladen, or on board any other ship or vessel, detained under quarantine as aforesaid. And provided further, That when the master or commander of any ship or vessel lying at the place of quarantine aforesaid, on board of which no pestilential or contagious disease shall exist, shall be desirous of proceeding to some other port or place beyond the capes of Delaware, and shall give bond, with security, to be approved by the board of health, conditioned that no part of the cargo, or any of the crew or passengers, on board such ship or vessel, shall be landed at any place within the said capes of Delaware, or within the distance of fifty miles beyond the same, such ship or vessel shall be allowed to proceed accordingly, without further delay or detention.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That all ships or vessels, as well vessels of war as merchant vessels, coming from any port or place

within the United States, and bound to the port of Philadelphia, from the fifteenth day of May to the first day of October, and having on board any goods or merchandise, the growth or produce of any port or place mentioned in the fifth section of this act, or any person or persons, bedding or clothing from any of the said ports or places, shall come to anchor opposite to the said lazaretto, and if the captain or master of such ship or vessel shall produce to the resident physician and quarantine master such satisfactory proof, as the board of health shall in that case direct to be required, that the said goods or merchandise have been landed in the United States, and are free from damage, and that the said vessel, bedding, clothing and persons are free from the infection of any dangerous contagious disease whatever, then, and in that case, the said resident physician and quarantine master shall give to the captain or master of such ship or vessel a certificate of the facts, permitting such ship or vessel to proceed to the city, which certificate the said captain or master shall present at the health office in Philadelphia, within twenty-four hours after his arrival and safely mooring there; and if he shall neglect so to do, being thereof convicted, upon indictment under this act, by verdict, confession or standing mute, in any court of criminal jurisdiction within this commonwealth, he shall be sentenced to pay a fine of two hundred dollars, to be recovered and appropriated as is hereinafter provided and and [sic] directed; and if the said captain or master shall fail to produce such satisfactory proof as aforesaid of the wholesome state of the said vessel, goods, merchandise, bedding, clothing and persons [the said vessel, goods, merchandise, bedding, clothing and persons] shall be detained at the lazaretto, and shall be proceeded with in the same manner, and subjected to the same orders and regulations, as is hereinbefore provided and directed in the case of vessels coming direct from the aforesaid foreign ports and places mentioned in the fifth section of this act; and if the captain or master of any ship or vessel, coming from any port or place within the United States, and bound to the port of Philadelphia, having on board any goods or merchandise, bedding, clothing or persons as aforesaid, shall refuse or neglect to come to anchor opposite the lazaretto, and shall pass the same, with intent to proceed to the

city, without examination and certificate obtained from the resident physician and quarantine master as aforesaid, he shall, on conviction, forfeit and pay the sum of five hundred dollars for each and every offence, to be recovered and appropriated as is hereinafter provided and directed, and, moreover, shall be sentenced to imprisonment at hard labor for any term not less than one nor more than five years; and the said vessel, goods, merchandise, bedding, clothing and persons shall be sent back to the lazaretto, there to be proceeded with in such manner as the board of health, agreeably to this act, in that case devise and direct.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That any person or persons, and all goods, merchandise, bedding and clothing, arriving at any port or place within the United States, from any port or place mentioned in the fifth section of this act, are hereby prohibited from entering within the city or county of Philadelphia, from the fifteenth day of May to the first day of October, either by land or water, unless the said person or persons, goods, merchandise, bedding or clothing shall have been landed in such port or place within the United States, in a wholesome state, at least thirty days previous thereto, under the penalty of five hundred dollars for each and every offence, together with the forfeiture of such goods, merchandise, bedding or clothing, one-half to the benefit of the informer, and the other half to be appropriated as is hereinafter directed.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That no resident physician, quarantine master, or other officer or servant of the said lazaretto, shall absent himself from the place of his duty, between the first day of April and the first day of October, on any pretence, for any time whatsoever, without leave first obtained in writing from the board of health, under the hand of the president or chairman for the time, attested by the secretary, and entered on the minutes, under the penalty of forfeiting his office, and a fine of any sum not exceeding five hundred dollars.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the resident physician, immediately on the arrival of any ship or vessel

liable to be detained at the lazaretto in order to be cleansed and purified as aforesaid, to cause the sick, if any on board, to be removed to the building, which shall be appointed by the board of health for their reception, and diligently and impartially, with his best skill, attend upon and administer medical assistance to each and every sick person that shall be therein lodged, and generally superintend and cause to be executed such orders and regulations, as the said board shall, from time to time, ordain for the government and management of the lazaretto, and of the vessels, cargoes and persons under quarantine.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the quarantine master, immediately after the arrival of, and examination as aforesaid of any ship or vessel liable to be detained at the lazaretto for purification aforesaid, to direct and cause such ship or vessel to be properly moored near the lazaretto, at such distance from any other vessel or vessels under quarantine, as may prevent the communication of any infectious disease to or from the same, and the cargo, bedding and clothing, or any part thereof, contained in any such ship or vessel, to be landed, cleansed and purified, under the direction of the resident physician; and it shall be the particular duty of the said quarantine master to prevent any personal intercourse between the persons on board different vessels under quarantine, and for that purpose to take possession of and secure the boats of such vessels, until their respective times of quarantine shall be completed, to preserve and enforce order and obedience to this act, and all such orders and regulations as the board of health shall, from time to time, ordain for the government and management of the lazaretto, and the persons, vessels and cargoes under quarantine.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the consulting physician, upon receiving information from the health officer, or other person whomsoever, that any person or persons on board of any ship or vessel in the port of Philadelphia is or are afflicted, or suspected to be afflicted with any pestilential or contagious disease, or that there is just cause to suspect that the cargo, or any part thereof, contained in any such ship or vessel

is infected with any such disease, the [said consulting] physician, in either of the foregoing cases, shall visit and carefully examine such ship or vessel; and if he shall discover any sick person or persons on board any such ship or vessel, he shall thereupon have and exercise the authority to direct such sick person or persons to be removed to the said lazaretto; and the said consulting physician shall, without delay, report the state of said vessel, cargo and crew to the board of health, who shall direct and determine how the crew, passengers, vessel and cargo shall be disposed of and managed, for the restoration of their health and purification; and on the arrival of any ship or vessel in the port of Philadelphia, from any foreign port or place, from the first day of October in any year, to the first day of April in the next succeeding year, it shall be the duty of said consulting physician, provided such ship or vessel shall not have been previously visited and examined by the resident physician and quarantine master, and before any of the passengers, crew, cargo or baggage are landed, to visit and carefully examine such ship or vessel, in manner and form as the resident physician and quarantine master are bound to do, and to demand answers, under oath or affirmation, to be administered by the said consulting physician, who is hereby empowered to administer the same; and if the crew, passengers, vessel and cargo be in a healthy state, and if there shall appear no ground to suspect that any of the crew or passengers have died in the voyage of any dangerous contagious disease whatever, or that the cargo, bedding and clothing is infected, then, and in such case, the said consulting physician shall give to the master or commander a certificate of the facts, which the said master or commander shall present at the health office within twenty-four hours after such examination; and if he shall neglect so to do, being thereof convicted, upon indictment under this act, by verdict, confession or standing mute, in any court of criminal jurisdiction in this commonwealth, he shall be sentenced to pay a fine of three hundred dollars, to be recovered and appropriated as is hereinafter provided and directed; and if, on examination, any suspicion shall arise in the mind of the said consulting physician touching the health of the crew or passen-

gers, or the infectious state of the vessel, cargo, bedding or clothing on board, no part thereof shall be landed, but the said consulting physician shall immediately report the same to the board of health, who shall direct and determine what measures shall be pursued relative thereto; and the said consulting physician, upon the request of the health officer or the board of health, shall, from time to time, visit and examine such houses and persons, as the said board or the health officer shall have reason to suspect are infected with any dangerous contagious disease, and make report thereof to the said health officer.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the health officer, at seasonable and proper hours on each day (Sunday excepted), to open and keep a public office, at such convenient place in the city of Philadelphia as shall be directed by the board of health, whereat all masters or captains of ships or vessels shall deliver the certificates or bills of health to them granted by the resident physician and quarantine master, or consulting physician as aforesaid; and the board of health shall there assemble and meet, as often as they deem needful, for the purpose of executing the duties and trust of their appointment; and the said health officer shall file and preserve in good order all the certificates or bills of health so delivered, and shall keep a register of the ships or vessels, and the names of the captains or masters, owners or consignees, for which the same were respectively granted, the port or ports from which the ship or vessel respectively sailed, or at which they touched during their respective voyages, and the number of persons on board thereof, respectively, at the time of their leaving their respective ports of departure, and also at the time of their arrival, respectively, at the port of Philadelphia; and the said health officer shall attend the health office at the meetings of the board of health, and at such other times as shall be requisite for discharging the duties of his appointment, and generally enforce and execute the regulations and instructions of the board of health; and it shall be the duty of the said health officer to collect, recover and receive all forfeitures [and penalties imposed], and sums of money directed to be paid by this act, and to collect, to the best of his

abilities, the fees of the resident physician, quarantine master and consulting physician; and for his trouble in collecting and receiving such forfeitures, penalties, sums of money and fees as aforesaid, other than the fees payable for his own services, he shall have, receive and retain a compensation, at and after the rate of two and an half per centum on the amount so recovered and received.

[Section XIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the health officer, on receiving from the captain or master of any ship or vessel from any foreign port or place the certificate from the resident physician and quarantine master, or consulting physician, as aforesaid, shall be entitled to receive from the captain or master of each and every such ship or vessel the sum of six dollars, and no more, and, when received, the same shall be applied to the payment of the fees of the said resident physician, quarantine master, health officer and consulting physician, in full compensation for all the services enjoined on them or either of them by this act, of which the resident physician shall have and receive three dollars, and, moreover, be entitled to occupy the house hitherto occupied by the resident physician, and, in case the lazaretto shall be removed, to have suitable apartments provided for him, to have pasturage for one horse and one cow, and also to such vegetables raised in the garden at the lazaretto, as may be necessary to supply his table whilst residing at the lazaretto; the quarantine master shall receive one dollar; the health officer one dollar; and the consulting physician one dollar; and the master or owner of any ship or vessel, compelled to perform quarantine, shall pay to the pilot of such ship or vessel, so detained, two dollars for every such day's detention.

[Section XIV.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That every diseased person, duly landed or sent to the lazaretto by the said resident physician, quarantine master, health officer or consulting physician, respectively, shall be kept there and maintained until the resident physician shall grant him or her a discharge in writing; and if, before obtaining a discharge as aforesaid, any such per-

son shall elope, or otherwise absent himself or herself from the lazaretto, it shall be lawful for the health officer, or any constable or other person whom he shall call to his assistance, and they are hereby enjoined and required, to pursue and apprehend the person so escaping or absenting himself or herself from the lazaretto, and there again deliver him or her, to be retained until he or she be duly discharged as aforesaid; and, moreover, the person so eloping and absenting himself or herself shall, for each and every offence, forfeit and pay the sum of one hundred dollars, or suffer such other punishment by solitary confinement, not exceeding two months, and spare diet, as the board of health shall ordain and award; "and if any master or captain shall, knowingly, receive or employ on board of his ship or vessel, or if any housekeeper or other inhabitant of this commonwealth shall, knowingly, receive, harbor or in anywise entertain any person so eloping or absenting from the lazaretto, without having previously obtained and producing a discharge as aforesaid, each and every master and captain, and each and every housekeeper or inhabitant, so respectively offending, shall, on being thereof legally convicted, forfeit and pay a sum of one hundred dollars, and, moreover, be sentenced to imprisonment at hard labor, for any term not less than one nor more than five years;" and the expense and charge of boarding, lodging, nursing, medicine, maintenance and other necessities, which shall be provided for the diseased persons landed and sent to the lazaretto as aforesaid, and also of burying them, in case of their death, shall be paid and discharged by the importer, master or captain, owner or consignee of the ships or vessels, respectively, in which such diseased persons were respectively imported, agreeably to the rates in that behalf by the board of health to be ordained and established. Provided always nevertheless, That when the diseased persons are passengers, and not servants, the said expense and charges shall be repaid by them, their executors or administrators, to the captain or master, owner or consignee, who shall pay and satisfy, or be bound to pay and satisfy the same, as aforesaid; and if any person arriving in or belonging to any ship or vessel detained at the lazaretto, as aforesaid, or any diseased or other person landed and sent to the lazaretto by the resident physician,

quarantine master, health officer or consulting physician, respectively, as aforesaid, from the first day of April to the first day of October, shall elope or absent himself or herself from the said lazaretto, or the jurisdiction thereof, without having first obtained a discharge signed by the resident physician and quarantine master, or if any person, other than those detained at the lazaretto, as aforesaid, shall go on board or alongside of any ship or vessel, whilst under quarantine, as aforesaid, or if any person, not authorized by the proper officer, shall go within the limits of the lazaretto, such person or persons shall perform such quarantine as the board of health may direct; and, being thereof convicted upon indictment under this act, by verdict, confession or standing mute, in any court having criminal jurisdiction within this commonwealth, shall, moreover, be sentenced to and suffer confinement at hard labor, in the gaol of the county of Philadelphia, for any space not less than one or more than three years; and if any diseased or other person landed and sent to the lazaretto by the resident physician, quarantine master, health officer or consulting physician, respectively, as aforesaid, or any person arriving in or belonging to any ship or vessel detained at the lazaretto as aforesaid, shall refuse or neglect to obey the directions of the resident physician or quarantine master, respectively, agreeably to this act and the orders and regulation by the board of health, which shall from time to time be ordained and established for the government and management of the lazaretto, and the persons, vessels and cargoes under quarantine, the person so refusing or neglecting shall, for each and every offence, on being thereof legally convicted, forfeit and pay the sum of one hundred dollars, and shall, moreover, be sentenced to imprisonment at hard labor, for any term not less than one nor more than five years.

[Section XV.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That when any vessel shall come up to the city of Philadelphia, or the shore of Southwark, or of the Northern Liberties, in the river Delaware (although the said vessel may have obtained a certificate of health from the resident physician and quarantine master, or consulting physician) if the said vessel shall appear to the board of health to be

infected with any contagious disorder, dangerous to the community, the said board are hereby authorized to order the said vessel to the lazaretto, there to undergo the necessary purification, before she shall be permitted to return to the city or shores aforesaid; and the said board are also hereby authorized and empowered to remove any vessel or vessels from such part of the city or shores aforesaid, as shall be infected with such disorders as aforesaid, to such convenient distance as they may deem proper, although such vessels may not be infected.

[Section XVI.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That for payment and satisfaction of all forfeitures and penalties which are imposed, and all sums of money directed by this act to be paid by the masters, captains, owners or consignees, as well the ships or vessels, respectively, as the captains, masters, owners or consignees thereof, shall be, and are hereby, declared liable. Provided always nevertheless, That the expense and charges for cleansing and purifying any goods, wares and merchandise freighted on board any ship or vessel, liable to be detained at the lazaretto as aforesaid, shall be paid by the owners or consignees of such goods, wares and merchandise to the captain, master, owner or consignee of the vessel, who shall pay and satisfy, or be bound to pay and satisfy the same as aforesaid.

[Section XVII.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That the messuages and lots, commonly called the City hospital, situate on the north side of Sassafras street and east side of the river Schuylkill, shall continue to be held as a public hospital for the townships of the Northern Liberties and Moyamensing, as well as for the city and the district of Southwark, until the board of health shall procure and provide a more convenient public hospital for the purpose aforesaid; and all persons (other than persons on board of any ship or vessel, and liable to be sent as aforesaid to the lazaretto) residing within the city and county of Philadelphia, who shall be afflicted with any pestilential or contagious disease (the small-pox and measles excepted) may and shall, upon the ad-

vice and order of the consulting physician, or any other physician or person authorized by the board of health to grant such order, be removed by the health officer, and such assistants as he shall for that purpose employ, to the said public hospital, or to such other place as the said physician or board of health shall approve, at the proper cost of the person so removed, there to be lodged, nursed and maintained and kept, until duly discharged by a permit in writing signed by a physician of the said public hospital. Provided always nevertheless, That each and every patient, and his or her estate, real and personal, shall be liable to pay, satisfy and reimburse all the charges and expense on his or her account incurred in the said public hospital, unless the board of health award that he or she shall be exonerated or exempted therefrom.

[Section XVIII.] (Sectin XVIII, P. L.) And be it further enacted by the authority aforesaid, That whenever the said board of health shall receive information that any contagious disease rages in any port or place within the United States, or on the continent of America, they shall make diligent inquiry concerning the same, and report the result thereof to the mayor or recorder of the city of Philadelphia, or, in their absence, to any two aldermen or justices of the peace for the county; and it shall and may be lawful for the said board by and with the consent and approbation of the said mayor or recorder, aldermen or justices as aforesaid, to prohibit and prevent all communication by land and by water with such infected ports or places, by stopping all vessels coming into the port of Philadelphia, and at and before the lazaretto, in the same manner and under the same penalties and forfeitures, as are hereby provided in case of vessels coming from the foreign ports mentioned in the preceding sections of this act, and by stopping all persons coming from such infected places, in such manner as the circumstances and exigencies of the case shall require, and the said board of health, in conjunction with the mayor or recorder, aldermen or justices as aforesaid, are hereby authorized and required, whenever a fever of a contagious nature shall appear in any part of the city of Philadelphia, the district of Southwark, or the townships of the Northern Liberties or Moyamensing, to adopt, without delay,

such prompt measures, as will effectually prevent all communication between the part or parts so infected and any other part of the city, district or townships aforesaid; and all judges, justices, sheriffs, constables, and other civil officers and citizens of this state, are hereby authorized and empowered, enjoined and required, to aid and assist the said board and their officers, to the utmost of their power, in carrying into effect such rules, orders and regulations, touching the stoppage of such intercourse or removal of the infected, as the board, by and with the consent and approbation of the said mayor or recorder, shall ordain and publish.

[Section XIX.] (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That whenever, by the means aforesaid or by the report of the consulting physician, or any other physician appointed by the board of health (whom the said board are hereby authorized to send to places or houses supposed to be infected), it shall come to the knowledge of the said board that any person within the city of Philadelphia, the district of Southwark, the townships of the Northern Liberties or Moyamensing, is afflicted with any contagious disease, dangerous to the community, it shall and may be lawful for the said board to take order for preventing the spreading of the contagion, either by causing the patient to be removed to some retired place, at the cost of the patient, or his or her friends, or at the public charge, or by forbidding and preventing all communication with the infected house or family, except by means of physicians, nurses or messengers, to convey the necessary advice, medicines and provisions to the afflicted, accordingly as the circumstances of the case shall render the one or the other mode, in their judgment, most conducive to the public good, with the least private injury.

[Section XX.] (Section XX, P. L.) And be it further enacted by the authority aforesaid, That if any person shall obstruct or resist the board of health, or any of the members thereof, or any person by them appointed, in the execution of the powers to them given, or in performance of the duties enjoined on them by this act, and the rules and regulations of the said board, such person shall, on being thereof legally convicted, forfeit and pay the

sum of five hundred dollars, to be recovered and appropriated as is hereinafter directed, and, moreover, shall be sentenced to imprisonment at hard labor, for any term not less than one nor more than five years; and if, after the expiration of the quarantine, any mariner or other person, who shall have complied with the regulations hereby established, shall commit any violence on the person of a member of the board of health, or any of the officers attached to the same, for anything done in the execution of his duty, such person shall be subject, on conviction thereof, to a fine of one hundred dollars, and shall also be sentenced to imprisonment at hard labor, for any term not less than one nor more than five years.

[Section XXI.] (Section XXI, P. L.) And be it further enacted by the authority aforesaid, That all and every the penalties and forfeitures imposed by and sums of money recovered under this act shall inure to the use of the institution, under the management and direction of the board of health, and no citizen or inhabitant of the city of Philadelphia, the district of Southwark, or the townships of the Northern Liberties or Moyamensing, shall be disqualified from sitting as judges or jurors, or from giving testimony respecting any of the offences mentioned in this act, by reason of his, her or their common interest in the appropriation of the sum or penalty imposed for such offence; nor shall any member of the board of health, or any officer appointed by the said board, be disqualified from giving testimony respecting any of the said offences.

[Section XXII.] (Section XXII, P. L.) And be it further enacted by the authority aforesaid, That all actions or prosecutions to be commenced against any master, captain, owner or consignee of any ship or vessel, or other person, by virtue of this act, shall be brought within twelve months next after the arrival of the ship or vessel in the port of Philadelphia; and if any action or suit shall be commenced against any person or persons, for any matter or thing committed in violation of this act, the defendant or defendants may plead the general issue, and give this act and the special matter in evidence, at any trial to be had thereupon.

[Section XXIII.] (Section XXIII, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the said board of health to cause all offensive or putrid substances, and all nuisances, which may have a tendency, in their opinion, to endanger the health of the citizens, to be removed from the streets, lanes, alleys, highways, wharves, docks, or any other part or parts of the city of Philadelphia, the district of Southwark, and the townships of the Northern Liberties and Moyamensing, and to cause such of the privies, within the limits aforesaid, to be emptied or corrected with lime, at the expense of the individuals who are owners of the houses to which the said privies are appurtenant, as the said board shall from time to time deem necessary for the health of the inhabitants thereof; and if the owner or occupier of the premises on which any nuisance may be found shall, on due notice thereof being given, refuse or neglect to have the same immediately removed, he, she or they, so refusing or neglecting, shall forfeit and pay for such offence any sum not less than fifty, nor more than two hundred dollars, to be recovered and appropriated as is by this act directed.

[Section XXIV.] (Section XXIV, P. L.) And be it further enacted by the authority aforesaid, That for defraying the expenses to be incurred in erecting and supporting the aforesaid lazaretto, and for carrying into complete effect the other provisions contained in this act, the said board of health are hereby authorized and empowered, by and with the consent of the mayor or recorder, two aldermen and two justices, as aforesaid, to levy and collect, by tax on the estates and inhabitants of the city of Philadelphia, district of Southwark and townships of the Northern Liberties and Moyamensing, in the same manner, at the same rates, and under the same regulations, as the county rates and levies are or may be by law levied and collected, such sum, annually, as the said board, by and with the consent of the mayor or recorder, two aldermen and two justices, as aforesaid, shall deem necessary for the use of the said institution, provided the same does not exceed the sum of fifty thousand dollars; and the said board of health are hereby authorized and em-

powered to borrow, upon the credit of the taxes aforesaid, such sum or sums of money, as may be thought necessary for the benefit of the said institution.

[Section XXV.] (Section XXV, P. L.) And be it further enacted by the authority aforesaid, That at any time between the fifteenth and twenty-fifth days of November, yearly and every year hereafter, the board of health shall report to the governor the amount of the tax which may be levied, the moneys received, and the moneys expended in pursuance of this act, and, generally, an exact and circumstantial account of the institution, and shall publish the same in one or more newspapers printed in the city of Philadelphia.

[Section XXVI.] (Section XXVI, P. L.) And be it further enacted by the authority aforesaid, That no pilot, bringing a ship or vessel to the lazaretto in an apparent state of good health, shall be obliged to perform quarantine, but it shall be lawful for the resident physician to grant such pilot a certificate, permitting him to proceed to the capes of Delaware, in order that he may prosecute his profession, but such pilot shall not on any pretence come into the city of Philadelphia, the Northern Liberties, the district of Southwark, or township of Moyamensing, for twenty days from the date of such certificate, under the penalty of one hundred dollars, and also of one year's imprisonment, which penalty shall be recovered and applied in the manner hereinbefore directed; and any pilot bring to the said lazaretto a ship or vessel infected, or suspected to be infected, with any pestilential or contagious disease, may be permitted to go and remain on shore within the bounds of the lazaretto, during the time the ship or vessel brought thither by him shall be detained under quarantine. Provided always, That if he shall be infected with any such disease as aforesaid, he shall be detained, and treated in like manner as seamen or passengers so infected are herein directed to be detained and treated. And provided further, That if he shall go without the bounds of the said lazaretto, he shall be liable to the same penalties, as are by this act imposed on seamen or passengers escaping therefrom.

[Section XXVII.] (Section XXVII, P. L.) And be it further enacted by the authority aforesaid, That such parts of the act, entitled, "An act for establishing an health office, and for otherwise securing the city and port of Philadelphia from the introduction of pestilential and contagious diseases, and for regulating the importation of German and other passengers," passed the twenty-second day of April, one thousand seven hundred and ninety-four,¹ and of the act, entitled, "An act to amend and repeal certain provisions in the health laws of this commonwealth," passed the fourth day of April, one thousand seven hundred and ninety-six,² and of the act, entitled, "An act to alter and amend the health laws of this commonwealth and to incorporate a board of managers of the marine and city hospitals of the port of Philadelphia, and for other purposes therein mentioned," passed the fourth day of April, one thousand seven hundred and ninety-eight,³ as are inconsistent with this act be, and the same are hereby, repealed and made void.

[Section XXVIII.] (Section XXVIII, P. L.) And be it further enacted by the authority aforesaid, That this act shall continue in force for three years, and from thence to the end of the next session of the general assembly, and no longer.

Passed April 11, 1799. Recorded L. B. No. 7, p. 52, etc.

CHAPTER MMXCV.

AN ACT TO RAISE AND COLLECT COUNTY RATES AND LEVIES.

Whereas the several laws of this commonwealth, now in force, for raising county rates and levies, from frequent supplements and references have become intricate. And whereas it will render the system more intelligible, and its operation more equal, to reduce the whole into one act, with such other provisions as may be necessary. Therefore:

¹Chapter 1759.

²Chapter 1903.

³Chapter 2007.

[Section I.] (Section 1, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the county commissioners and treasurers, and township, ward and district assessors, assistant assessors, and collectors, heretofore elected and appointed within this commonwealth, and now holding and exercising their said offices, shall be continued therein, during the time for which they have been elected or appointed respectively.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the electors qualified to vote for members of the state legislature shall, at their respective general elections, within the city of Philadelphia, and the several counties of this state, annually elect one respectable citizen to be a commissioner of the proper county, to serve for three years next ensuing such election; and when any new county shall be erected, the electors thereof shall elect, at the first general election, three citizens to serve as commissioners, of whom the highest in votes shall serve three years, the next highest two years, and the lowest one year, and their places respectively be supplied by the annual election of another citizen, to serve for three years; and if any commissioner shall die, remove from the county, or decline to serve in said office, the remaining commissioner or commissioners, and the court of common pleas for such county shall appoint a suitable citizen or citizens, to fill the said office until the next general election.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That every commissioner elected or appointed as aforesaid shall, before he enters on the duties of his office, take and subscribe an oath or affirmation, before some judge of the court of common pleas, justice of the peace, or alderman of the city or county, respectively, for which such commissioner is elected, diligently, faithfully and impartially to perform the several duties enjoined on him by this act, to the best of his ability and judgment, without favor or affection, hatred, malice or ill will; which oath or affirmation the officer before

whom the same is taken and subscribed shall certify, under his hand and seal, and deliver the same to the prothonotary of the proper county, to be filed in his office.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the citizens of every ward, township and district, within the city of Philadelphia, and the several counties of this state, shall, on the same day, and at the same time and place, and under the same regulations as inspectors for the general elections are directed to be chosen, annually elect one citizen, residing within such ward, township, or district, to be an assessor, for the term of one year; and in the year one thousand eight hundred and one, and every third year following, two other citizens, to be assistant assessors, for the term of one year, to do and perform the several duties enjoined and required of them by this act; and the constables holding such elections shall make a return thereof, signed by the judges, within ten days, to the commissioners of their proper county, or either of them, who shall file the same in their office; and if any constable shall neglect to make such return, he shall forfeit and pay the sum of five dollars for every such neglect.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That if any person, elected or appointed as an assessor or assistant assessor, shall refuse or neglect to serve in such office, for which he has been elected, every such assessor or assistant assessor shall pay a fine of twenty dollars. Provided always, That no person shall be obliged to serve as assessor or assistant assessor more than once in ten years. And if the citizens of any ward, township or district neglect to elect an assessor or assistant assessor, or any citizen, so elected, refuse or neglect to serve, or if vacancies happen by death or otherwise, a board of commissioners shall supply the vacancies, by appointing citizens to fill said offices, who shall reside within said township, ward or district, and who shall, in all cases, have the same powers, be subject to the same penalties, and receive like compensations, as though they had been elected by the citizens within their respective townships, wards or districts.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That every assessor and assistant assessor, before he enters on the duties of his office, shall take and subscribe, before some judge of the court of common pleas, alderman of the city, or some justice of the peace of the proper county, the same oath or affirmation enjoined on the commissioners by the third section of this act, a certified copy of which oath or affirmation, signed by the officer before whom the same was taken, such assessor or assistant assessor shall produce to the commissioners, within twenty days after his election, who shall file the same in their office.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the commissioners shall annually, within thirty days after the general election, meet together, when each new commissioner shall produce a copy of the certificate, signed by the prothonotary, proving his election and qualification, according to the provisions contained in this act; and the commissioners shall thereupon proceed to make an estimate of the probable expense of their counties, respectively, for the ensuing year; and in the year one thousand eight hundred and one, and every third year following, shall, within six weeks after the general election, issue their precepts to the respective township assessors, requiring them to make out a just and perfect return, in alphabetical order or otherwise as the commissioners may direct, of the names of all the taxable persons within their wards, townships, or district, respectively, and of all the property made taxable by the eighth section of this act, within thirty days after the date of such precept, together with a just valuation of the same, to be made in the manner hereinafter directed, and on receipt of such return the said commissioners, or a majority of them, shall proceed to quota the townships, respectively, agreeably to the quantity and quality of land, and other taxable property, and when they have completed and ascertained the quotas of each township, they shall cause accurate transcripts of such assessments to be made out by their clerk, and transmit them to the ward or township assessors or collectors, respectively, on or before the second Monday of April in each year, with the average rate per cent. in each township, directing such asses-

sor or collector to give notice to each taxable inhabitant, within his ward or township, of the amount of the sum he stands rated for, and the rate per cent. of such amount, and of the time when and place where an appeal will be held, which notice the said assessor or collector shall give in print or writing, at least five days before such day of appeal, at which appeal a board of commissioners shall attend, and hear all persons who may apply for redress, and grant such relief as to them shall appear just and reasonable; provided that the said commissioners shall not make any allowance or abatement, on account of any real property, in any other year than when a triennial return and assessment is taken and made, agreeably to the directions of this act, excepting where accidents by fire, or otherwise, may destroy buildings or other improvements.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the assessors and assistant assessors of the city and county of Philadelphia, and the assessors of the other counties in this state, respectively, on receipt of precepts issued by the commissioners, agreeably to the seventh section of this act, shall proceed to take an account of all the names and surnames, in alphabetical order, or otherwise, as the commissioners may direct, of all taxable inhabitants within their townships, wards or districts, and of the following articles hereby made taxable, viz: all lands held by patent, warrant, location or improvement, houses and lots of ground and ground-rents; all grist-mills, sawmills, fulling mills, slitting mills, rolling mills, hemp mills, oil mills, snuff mills, paper mills and powder mills; all furnaces, forges, bloomeries, distilleries, sugar houses, malt houses, breweries, tan-yards and ferries; all negro and mulatto slaves; all horses, mares, geldings and cattle, above the age of four years; and all offices and posts of profit, trades and occupations (ministers of the gospel, of every denomination, and school-masters, only excepted); and of all single freemen, above the age of twenty-one years; who shall not follow any occupation or calling; and when the enumeration shall be made, as aforesaid, the assessors shall respectively call together their assistants, who, together with the assessors, shall proceed to value the aforesaid property, to the best of their ability and judg-

ment, for what they think it will *bona fide* sell for in ready money, and rate all offices, professions, occupations and callings of all freemen at their discretion, having due regard to the profits arising from such trades and occupations, as well as to the amount of taxes to be raised. Provided, That no tax in any county shall in one year exceed the rate of one cent in every dollar of the adjusted valuation [of the] property; and the rate for any trade or occupation, or on any single freeman who follows no occupation, shall at no time exceed ten dollars in one year, and shall be lowered in due proportion as the tax on adjusted property may be lowered below one cent in the dollar.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the commissioners shall, on or before the first day of April in each of the two succeeding years, after the triennial return and assessment shall have been made, send a transcript of the last triennial assessment to the respective township, ward and district assessors, within their respective counties, together with their precept, requiring them to take an account of all freemen, and the personal property made taxable by this act, together with a just valuation of the same, and also a valuation of all trades or occupations made taxable by the eighth section of this act, enjoining such assessor to make a just return to them, within thirty days from the date of such precept, noting in such return all alterations in his township, ward or district, occasioned by transfer or division of real property, and also noting all persons who have removed since the last assessment, and all single freemen, who have arrived at the age of twenty-one years since the last triennial assessment, and all others, who have since that time come to inhabit in such township, ward or district, together with the taxable property such person may possess, and the valuation thereof, agreeably to the provisions of this act; and the assessor or collector shall give like notice of the sum assessed on such person or persons, and of the day of appeal, which appeal the commissioners are hereby empowered to hold, in manner and form aforesaid.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the commissioners shall, immediately after the appeals are over, regulate the assessments ac-

according to the alterations made, and cause their clerks to make fair duplicates thereof, in alphabetical order, or otherwise, as the commissioners may direct; and it shall be the duty of each assessor, on or before the day of appeal in each year, to return two reputable citizens, who shall be freeholders of his ward or township, to the commissioners, whose duty it shall be to appoint one of them to be the collector; and if any person shall be appointed a collector as aforesaid, and refuse to serve, he shall forfeit and pay a fine of twenty dollars, and another person shall be appointed in his stead, but any person having served or paid his fine as a collector shall not be obliged to serve the said office again, within the term of ten years.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the commissioners within each county, from and after the passing of this act, to employ a suitable person for clerk, who shall keep the books and accounts of the board, and record or file whatsoever proceedings they may direct, and attest all orders and warrants issued by them, and do and perform every other act and thing whatsoever, which may pertain to his office as clerk; and shall receive for his services, such sum as the commissioners shall, at their first meeting in each year, agree upon.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the clerks to the boards of commissioners, so as aforesaid appointed, shall keep fair books, wherein shall be entered the name of the collector of each ward, township or district, charging such collector with the amount of the duplicate delivered him to collect, and crediting him with allowances made after the appeal; for which purpose they shall enter in said books the names of the persons abated or exonerated, together with the abatements or exonerations, and the date when made, and shall certify such allowance in the duplicates of the collectors, to enable the treasurer to make settlements accordingly; and the said clerks shall, moreover, keep an account of all orders issued by the board for the payment of money, and enter the same in numerical order in their books, and shall send a state-

ment of the names of the respective collectors, with the sums wherewith each stands charged, to the county treasurer, as soon as the duplicates are sent to the said collectors.

[Section XIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the treasurers within the respective counties of this state shall hold their offices during the terms for which they have been already respectively appointed, and the commissioners of the respective counties, or any two of them, at the expiration thereof, and thenceforward annually, shall appoint a reputable citizen for treasurer, who shall give bond, with sureties, to the satisfaction of the commissioners, conditioned for the faithful execution of the duties of his office, and to account for all moneys which may come into his hand in pursuance thereof, and that he will deliver to his successor in office all books of entry, papers, documents and other things, which he may have or hold in right thereof, and pay him the balance of all moneys due to the county; and in case of death, removal from the county, or misbehavior in office of such treasurer, the said commissioners, or any two of them, are hereby authorized and required to appoint another citizen to fill said office, whenever circumstances may require the same. Provided, That nothing in this act contained shall authorize any commissioners within this commonwealth to appoint any judge of a court of justice, clerk or prothonotary of such courts, or any one of the said commissioners, to be a treasurer in their respective counties.

[Section XIV.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the treasurer to receive all moneys due and accruing to the county, by or in consequence of this act, or otherwise, and pay and disburse the same, for the discharge of the debts of the county, on warrants drawn by the board of commissioners; and the treasurer shall keep a just and true account of all moneys received and disbursed, and hold and keep the same at all times ready for the inspection of the commissioners, and shall, once in three months, or oftener, if required, furnish the said commissioners with a statement thereof, balanced to the day specified by them, showing all the moneys received and disbursed during the preceding terms, and the balance remaining in his hands, to-

gether with the names of the collectors in whose hands any arrearages of taxes, and the amount thereof, may be outstanding; and shall, once in every year, settle his accounts and produce his vouchers, which, being allowed by the commissioners, shall by them be laid before the auditors appointed under the act passed the thirtieth day of March, one thousand seven hundred and ninety-one,¹ to settle the accounts of the commissioners and treasurers of the respective counts of this state, who shall proceed to the settlement thereof, as by said act is directed; and the commissioners shall allow the treasurer so much per cent. on all moneys received and paid by him, as they shall from time to time deem sufficient for his services, which, being approved of by the auditors aforesaid, shall be in full for his services as treasurer.

[Section XV.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That the commissioners, or any two of them, shall form a board in each county, and shall issue their warrants, with the duplicates, to the respective collectors, therein authorizing and requiring them to demand and receive, of and from every person in such duplicate named, the sum wherewith such person stands charged; and within six weeks from the date of such warrant, the said collectors shall pay all such moneys as they may by that time have received to the treasurer, at a certain time and place to be mentioned in such warrant, at which time and place the treasurer shall attend; and the board of commissioners shall, at the same time and place, make abatements or allowances for mistakes, or indigent persons, after which the collectors shall proceed to demand and receive the remainders of the tax; and if any person shall neglect or refuse to make payment within thirty days from the time of such demand, it shall be the duty of the said collectors to levy the said tax, by distress and sale of the goods and chattels of said delinquent, giving ten days' public notice of such sale, by written or printed advertisements; and in case goods and chattels cannot be found sufficient to satisfy the same, with costs of suit, the said collector shall be authorized to take the body of such delinquent, and convey him to the gaol of the proper county, there to remain until the taxes, with cost, be paid, or secured to be paid, or he be otherwise discharged by due course of law.

[Section XVI.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That the collectors of the several wards, townships and districts, as aforesaid, shall, within three months after having respectively received the corrected duplicates, subsequent to the appeals, pay into the hands of the respective treasurers the whole amount of the taxes charged and assessed in such duplicate, without further delay, except such sums as the commissioners may, in their discretion, exonerate them from, on pain of being answerable for and charged with the whole balance so remaining unpaid; and all the estate, real and personal, of such delinquent collectors shall be bound, as security for the payment of such balance, at and from the expiration of the said three months, a transcript of which balance shall be then entered by the treasurers with the prothonotaries, whose duty it shall be to file the same, and which shall then operate, to all intents and purposes, as if judgment were then entered against them for such balance in a court of record, provided that such balance shall not be a lien on such delinquent's property for a longer term than two years.

[Section XVII.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That all fines and forfeitures under this act, not otherwise provided for, shall be recoverable before any justice of the peace as debts under twenty pounds, at the suit of the county treasurers, respectively, for the use of the respective county; and all inhabitants and taxables of such county shall be lawful witnesses on any trial concerning such fines and forfeitures.

[Section XVIII.] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That no person shall be reappointed a collector, who has not finally settled and paid off the whole amount of the balance due on former duplicates, or given security for the payment thereof; and if any person, who has heretofore been or hereafter shall be a collector of taxes, and shall have neglected or refused, or shall neglect or refuse, to pay the treasurer of the respective county within the time limited by law, all the sums of moneys which shall be due on his duplicate, excepting such sum as may be allowed by the commissioners for unavoidable losses, or for services for collecting, as is herein-

after mentioned, the treasurer is hereby authorized and required to issue his warrant, under his hand and seal, directed to the sheriff or coroner of the proper county, commanding him to take the body, and seize and secure all the estate, real and personal, of such delinquent collector, or which, in case of the death of the collector, may come into the hands or possession of his heirs, executors or administrators, and make return thereof to such treasurer, at such time and place as he shall appoint in his said warrant.

[Section XIX.] (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That when the said lands and estates are secured as aforesaid, the treasurer of the proper county shall call a meeting of the board of commissioners, who are hereby required to attend, of which meeting he shall in his said warrant have notified the said delinquent collector, and if the arrearages are not then immediately discharged, the commissioners shall, and they are hereby empowered and required, to issue their warrant to the sheriff or coroner of the proper county, empowering and requiring him to sell, at public sale, all such estates as shall be so seized and secured, or any part thereof, giving ten days' previous notice of such sale, by written or printed advertisements, and to bring the money arising from such sale to the commissioners who granted the warrant, at the time and place mentioned therein, in order to satisfy and pay the respective county treasurer the sum or balance that shall be so unpaid, or detained in the hands of the said collectors, or their heirs, executors or administrators, returning the overplus, if any, to the owner, after all necessary charges are deducted.

[Section XX.] (Section XX, P. L.) And be it further enacted by the authority aforesaid, That when any sale of lands tenements or hereditaments shall be made by such sheriff or coroner, pursuant to this act, the conveyance thereof shall be by deed, executed and acknowledged in the court of common pleas of the proper county by the sheriff or coroner, or their successors in office, to such person or persons as shall purchase the same, in fee simple or otherwise, which shall be most absolute and available in law against the said delinquents, their heirs and assigns,

and if any delinquent collector has removed or shall remove into any other county within this state, or shall have any estate, real or personal, in such other county or counties, and which shall not have been *bona fide*, and for a valuable consideration, disposed of, any process to be issued in pursuance of this act may be directed to the sheriff or coroner of any such other county or counties, and shall be proceeded on as in and by this act is directed in the case before mentioned.

[Section XXI.] (Section XXI, P. L.) And be it further enacted by the authority aforesaid, That if any sheriff or coroner, who has heretofore received, or hereafter shall receive, any money or moneys for taxes, by virtue of their respective offices, and the laws in such cases provided, shall neglect or refuse, within twenty days after demand made by the treasurer of the proper county, to render a just and true account thereof, or to pay the same to such treasurer, a warrant or warrants shall be issued by the commissioners against such delinquent sheriff or coroner, in like manner, and such proceedings shall thereon be had to final judgment, execution and sale, as are in and by this act directed respecting delinquent collectors, with this difference only, that if such delinquent officer, at the time or times of the commencement of such proceedings against him or them, continued to be in office, the warrant or warrants to be issued against him or them, in pursuance hereof, shall be directed to the other officer, either sheriff or coroner, of the proper county, as the case may be, who shall proceed thereon in like manner, as any sheriff or coroner may or can do under this act in like cases; and the property, real and personal, of such sheriff or coroner shall in such cases be as liable to be seized in such other county or counties, and the like proceedings had on the same, as on the property of delinquent collectors is directed by the nineteenth section of this act.

[Section XXII.] (Section XXII, P. L.) And be it further enacted by the authority aforesaid, That each of the commissioners shall be allowed, out of the county stock, the sum of one dollar and thirty-three cents, and no more, for every day's attendance on the duties of his office; and each assessor and assistant assessor shall be allowed, out of the county stock, the sum of one

able expense, and the said court shall give said petition in charge to the grand jury, who shall consider of the propriety of erecting

or repairing the same; and if the court and jury shall approve thereof, the court shall make an order on the commissioners, requiring them to cause the same to be erected or repaired, in the manner prayed for, or in any other manner, to be directed by the said court and jury, and thereupon the said commissioners shall, as soon as conveniently may be done, carry the said order into effect.

[Section XXV.] (Section XXV, P. L.) And be further enacted by the authority aforesaid, That the goods and chattels of all tenants occupying any lands or tenements within this state shall be as liable to be distrained for taxes, arising out of such lands and tenements, as though the said tenants were the real owners thereof. Provided nevertheless, That such tenant shall have the benefit of defalcating such tax with his landlord, at the payment of his rents, unless specially agreed upon otherwise by contract or lease; and all unseated lands, held by location, warrant or patent, within this state, shall be valued and assessed in the same manner and form as any other property, but the collection of the taxes by sale arising from the same shall be stayed by the commissioners of the proper county, until three months' notice is given in three of the daily papers of the city of Philadelphia, and in one other newspaper in or nearest to the county where such land is situate, that one or more year's tax is due on the unseated land in said county; and the expenses of such publication shall be at the proper cost of the delinquents; and if any tax due as aforesaid shall, at the expiration of three months, remain unpaid, the commissioners shall make a statement of said land, designating the title as near as may be with the amount of the tax assessed on each tract, and publish the same three months in the nearest public newspaper, and three times in at least three of the daily newspapers in the city of Philadelphia; and the commissioners shall thereupon, if the tax be not then paid, issue their warrant, under their hands and seals, to the sheriff or coroner, directing him to make sale of the whole, or any part thereof, as he may find necessary, for the payment of the taxes thereon, with all costs necessarily accruing; and the proceedings therein shall

**mer laws of this commonwealth, as relates to, or any way directs,
the raising of county rates and levies, are hereby repealed and**

declared null and void. Provided, That nothing herein contained shall prevent the collection of any tax or taxes laid under any former law or laws.

Passed April 11, 1799. Recorded L. B. No. 7, p. 33, etc. See Act of February 10th, 1800, Chapter 2101, as to assessors in Westmoreland County.

CHAPTER MMXCVI.

AN ACT DECLARING THE MARRIAGE OF ALEXANDER DE TILLY AND MARIA MATILDA DE TILLY (LATE MARIA MATILDA BINGHAM) TO BE FRAUDULENT, NULL AND VOID.

Whereas the marriage contract, whether it is considered as a religious or as a civil institution, ought, above all contracts, to be free from fraud, artifice and collusion, and it hath accordingly been the policy of virtuous and enlightened legislators of every age and country to annul the same, whenever it appears (among other flagrant causes) that either party, being of tender years, hath been seduced and ensnared by menaces, intimidation, imposition, falsehood and deceit, to enter clandestinely into so important an engagement, without the consent or privity of parents, guardians or friends

And whereas it hath been represented, and satisfactorily proved, to the general assembly of this commonwealth that a certain French emigrant named Alexander de Tilly (commonly called Count de Tilly) did, by bribing and corrupting the servants of William Bingham of the city of Philadelphia, commence and prosecute a secret correspondence with Maria M. de Tilly (then Maria M. Bingham) the daughter of the said William Bingham, of the tender age of fifteen years or thereabouts, and in the course of such correspondence, by acts the most seducing, fraudulent and iniquitous, as well as by menace and intimidations, ensnared the said Maria M. de Tilly (then Maria M. Bing-

ham) into a midnight elopement from the house of her parents, and conveyed her to the house of a minister of the gospel, who was induced to pronounce the marriage ceremony between the said parties by false, fraudulent and corrupt representations made to him by the said Alexander de Tilly, touching the parentage, residence and age of the said Mariam de Tilly. And whereas it has been further satisfactorily proved, as aforesaid, that the said Alexander de Tilly, actuated by no motive religious, moral or civil, which could be a just, lawful and fair foundation for the marriage contract, but intending thereby merely to obtain and extort a sum of money from the said William Bingham, did, soon after the said clandestine and fraudulent marriage, offer to sell and surrender, and did actually sell and surrender all his marital rights for a pecuniary consideration, and hath since withdrawn himself from the United States, leaving and deserting the said Maria M. de Tilly.

And whereas, the laws heretofore enacted, are not in the case above stated adequate to the relief of the injured party, to the intent therefore, that the innocent victims of his baseness may find comfort, that an example may be made to deter others from offending in a manner so fatal to the order of society and the happiness of individuals, and that the solemn contract of marriage may be vindicated from practices so immoral, irreligious, fraudulent and corrupt:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the marriage of the said Alexander de Tilly and Maria Matilda de Tilly be, and the same is hereby, declared to be void and annulled, to all intents, constructions and purposes whatsoever, and they are hereby respectively declared to be separate, set free and totally discharged from the matrimonial contract, and from all duties and obligations arising therefrom, as fully, effectually and absolutely to all intents and purposes, as if they had never been joined in matrimony or by any other contract whatsoever, any law, usage or custom to the contrary notwithstanding.

CHAPTER MMXCVII.

AN ACT FOR ERECTING PART OF THE COUNTY OF YORK INTO A SEPARATE COUNTY.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That all that part of the county of York included within the following lines, viz: Beginning in the line of Cumberland county where the road from Carlisle to Baltimore leads through Trent's gap; thence along the said road to Binder's; then a straight line to Conewago creek opposite to the mouth Abbot's run; thence along the line of Berwick and Paradise townships, until it strikes the line of Manheim township; thence along the line of Manhiem and Berwick westwardly, until it strikes the road leading from Oxford to Hanoverstown; and from thence a due south course until it strikes the Maryland line; thence along the Maryland line to the line of Franklin county; thence along the line of Franklin and Cumberland counties to the place of beginning, shall be, and the same is hereby, erected into a separate county, to be henceforth called and known by the name of Adams county.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the inhabitants of the said county of Adams shall, at all times hereafter, enjoy all and singular the jurisdictions, powers, rights, liberties and privileges whatsoever within the same, which the inhabitants of other counties of this state do, may or ought to enjoy within their respective counties by the constitution and and [sic] laws of this commonwealth.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the judges of the supreme court and the president of the second district, of which district the said

the commissioners of the said county of Adams, who shall be elected at the next annual election, to take assurance to them and their successors in office, of a lot or lots of ground, for the

purpose of erecting thereon a court house, jail and offices for the safe keeping of the records. Provided, The said lot or lots of ground shall be within the town of Gettysburg, in the said county, for defraying the expenses thereof the said commissioners shall assess and levy, in the manner directed by the act for raising county rates and levies, a sum not exceeding three thousand dollars

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That all arrearages of taxes now due, and which have been assessed within the county of York prior to the passing of this act, shall be collected by the proper officers and paid into the treasury of the said county of York, in the same manner as if this act had not passed. And the said county of Adams shall form a part of the district composed of the county of York for electing members of congress and senators of this commonwealth.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That until the next enumeration be taken, and the representation shall be fixed by law, the county of York as divided from the county of Adams herein and hereby erected, shall choose only four representatives to serve in the general assembly; and that the county of Adams hereby erected, shall, at the first general election to be holden for the said county on the second Tuesday of October next, choose two representatives to serve in general assembly, two fit persons for sheriffs, two fit persons for coroners, and three commissioners, in the same manner and under the same rules, regulations and penalties, as by the constitution and laws of this state is directed in respect to other counties; and the said representatives and other officers, when chosen as aforesaid and duly qualified, shall have and enjoy all and singular such powers, authorities and privileges in and for their county, as such officers elected in and for any other county in this state may, can or ought to have.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the governor be, and he is hereby, authorized to appoint three commissioners, who, or any two of them, shall run and mark the dividing line between the said

CHAPTER MMXCVIII •

AN ACT TRANSFERRING THE POWERS OF THE TRUSTEES OF THE
COUNTY OF GREENE TO THE COMMISSIONERS OF SAID COUNTY.

Whereas, by an act, entitled, "An act to erect part of Washington county into a separate county,"¹ five trustees were appointed, authorized and directed, among other duties, to build and erect a court house and prison, suitable and convenient for the county of Greene, which buildings being now nearly completed, the inhabitants of said county, for lessening their public expense, have prayed the legislature to transfer the powers of the said trustees to the commissioners of the county aforesaid. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, the authority, power and duties of the trustees of the county of Greene, shall cease, determine and end, and the commissioners of said county, or a majority of them, shall have full power and authority, and are hereby authorized and directed, to complete the said court house and prison, to comply with the contracts heretofore legally made by the said trustees, under the said recited act, and to make, do or execute any other act or thing necessary for completing the said court house and prison, as far as the same powers and duties were heretofore vested in the said trustees, by virtue of the act aforesaid.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That as soon as the said trustees have rendered a true and complete settlement of their accounts to the auditors of the county of Greene, as by the said recited act is directed, and have paid over to the treasurer of said county any

¹Passed February 9, 1796, Chapter 1870.

the authority of the same, That a farther time of two years, from
and after the twenty-seventh day of April next, be, and the same

is hereby, granted to the company incorporated on the twenty-seventh day of April, in the year of our Lord one thousand seven hundred and ninety-eight, by the name and style of "The President, Directors and Company for erecting a permanent bridge over the river Schuylkill," to commence, and the term of five years from and after the passing of this act, to complete the erection of the said bridge; and if the said company shall not proceed to carry on the said work within the said term of two years, and complete the same within the said term of five years, in this act granted and mentioned, it shall and may be lawful for the legislature of this commonwealth to resume all and singular the rights, liberties and privileges granted to the said company by virtue of an act, entitled, "An act to authorize the governor of this commonwealth to incorporate a company for erecting a permanent bridge over the river Schuylkill, at or near the city of Philadelphia."¹

Passed February 1, 1800. Recorded L. B. No. 7, p. 85, etc.

CHAPTER MMC.

AN ACT TO AUTHORIZE THE GOVERNOR TO SUBSCRIBE FOR A CERTAIN NUMBER OF COPIES OF AN ABRIDGMENT OF THE LAWS OF THIS COMMONWEALTH.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor of this commonwealth be, and he is hereby, authorized and directed to subscribe for one thousand copies of an abridgment of the laws of Pennsylvania, proposed to be published by Collinson Read, at the rate of four dollars for each copy, to be neatly and correctly printed in one volume octavo, well bound and lettered; and that the said

¹Passed March 16, 1798, Chapter 1974.

tended to be continued in office by the first section of said act, and it being very doubtful whether, under such circumstances, the power of the commissioners, by virtue of the fifth section thereof, extends to the appointment of assessors and assistants, and no other remedy being provided by the said act, until the triennial period of one thousand eight hundred and one arrive. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the commissioners of Westmoreland county, immediately after the passing of this act, to issue their precepts to the constables within said county, directing them to give public notice to the qualified electors within their respective townships, to meet at their usual place of holding township elections, on some certain day in such precept to be mentioned, then and there to elect one suitable citizen for assessor, and two others for assistant assessors, for such township, under like regulations as such constable is liable to by virtue of an act entitled, "An act for assessing county rates and levies," passed the eleventh day of April, one thousand seven hundred and ninety-nine;² and in case the qualified electors of any township neglect or refuse to elect such officers, then the commissioners shall appoint an assessor and two assistant assessors, within each township in said county, who shall be vested with the same powers, be subject to the same penalties, and receive like compensation, as if they had been chosen or appointed under the aforesaid act, and shall continue in office until others are regularly chosen or appointed under the said act.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the commissioners of the county of Westmoreland, and the assessors and assistant assessors to be elected or appointed under the authority of this act, immediately after the appointment of said assessors and assistants, to proceed, in the same manner and

²Chapter 2095.

under the same regulations, to levy and collect county rates and levies, as they would be enabled to do by virtue of the act aforesaid, in the triennial assessment mentioned therein, which shall take place in the year one thousand eight hundred and one.

Passed February 10, 1800. Recorded L. B. No. 7, p. 86, etc.

CHAPTER MMCII.

AN ACT FOR RAISING MONEYS BY WAY OF LOTTERY, TO DEFRAY THE EXPENSES OF BUILDING CERTAIN CHURCHES.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That Jacob Weirich, Philip Greenawalt, junior, Jacob Peiffer, Henry Sheffer, John Grum and Valentine Miller, be, and they are hereby, appointed commissioners to raise by way of lottery, a sum not exceeding two thousand dollars, to be by them applied for defraying the expense of erecting the church lately built by the German Reformed congregation in the borough of Lebanon, in the county of Dauphin, and for defraying the expense of erecting the church lately built by the German Reformed congregation in the town of Heidelberg, in the same county; that is to say, for the use of each of the said churches respectively, the sum of one thousand dollars.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That David Krause, Frederick Hubley, John Weidman, Henry Gilbert, Peter Shindle and Christopher Uhler, be, and they are hereby, appointed commissioners to raise by way of lottery, a sum not exceeding two thousand four hundred dollars, to be by them applied for defraying the expense of erecting the church lately built by the German Lutheran congregation in the borough of Lebanon aforesaid.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the commissioners hereinbefore named, to agree to consolidate and join together the said two lotteries, so that they may be carried into effect, and under one scheme be drawn together; provided that such agreement and consolidation shall not change the particular appropriation of the moneys so raised, but they shall be disbursed and paid as is directed in the first and second sections of this act.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners, previous to selling any tickets in the said lottery or lotteries, shall lay the scheme or schemes thereof before the governor, to be approved of by him, and shall also enter into bonds to the governor, for the due and faithful performance of their duty in drawing of the said lottery or lotteries, and shall each, previous to entering upon the duties of his said office, take and subscribe an oath or affirmation, diligently and faithfully to perform the duties intrusted to him; and at least three of the said commissioners shall attend at the drawing of each day, and when the whole drawings are completed, they shall cause an accurate list of the fortunate numbers to be published in at least one of the newspapers printed at Harrisburg, and shall pay and discharge such prizes as shall be demanded by persons legally entitled thereto, within six months after the drawing of the said lottery or lotteries shall be completed.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That all prizes not demanded within twelve months after publication as aforesaid, shall be considered as relinquished for the benefit of the said churches.

Passed February 10, 1800. Recorded L. B. No. 7, p. 88, etc.

CHAPTER MMCIIL.

AN ACT FOR ERECTING PARTS OF THE COUNTIES OF MIFFLIN, NORTH-UMBERLAND, LYCOMING AND HUNTINGDON, INTO A SEPARATE COUNTY.

Whereas it hath been represented to the legislature of this state, by the inhabitants of those parts of the counties of Mifflin, Northumberland, Lycoming and Huntingdon, included within the lines hereafter mentioned, that they labor under great hardships, by reason of their great distance from the present seats of justice, and the public offices for the said counties. For remedy whereof:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That all and singular the lands lying within the bounds and limits hereinafter described, shall be, and are hereby, erected into a separate county, by name of Centre County, namely, beginning opposite the mouth of Quinn's run or the west branch of Susquehanna; thence a straight line to the mouth of Fishing creek, where it empties into the Bald Eagle creek; thence to the northeast corner of Miles' (late Haines') township, including Nittany valley; thence by the north-eastern boundaries of the said township to the summit of Tussey's mountain; thence by the summit of said mountain, by the lines of Haines' township in Northumberland county, Potter township in Mifflin county, and Franklin township in Huntingdon county, to a point three miles southwest of the present line between Mifflin and Huntingdon counties; thence by a direct line to the head of the south-west branch of Bald Eagle creek; thence a direct line to the head waters of Moshannon; thence down the same to Susquehanna, and down the Susquehanna to the place of beginning.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the inhabitants of the said Centre county shall, at all times hereafter, enjoy all and singu-

lar the jurisdictions, powers, rights, liberties and privileges whatsoever within the same, which the inhabitants of other counties of this state do, may or ought to enjoy within their respective counties, by the constitution and laws of this commonwealth.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the judges of the supreme court, and the president of the fourth district, of which district the said Centre county is hereby declared to be a part, as well as the associate judges who shall be commissioned in and for the said Centre county, shall have like powers, jurisdictions and authorities within the same, as are warranted to, and exercised by, the said judges in other counties of this commonwealth; and that the courts of general quarter sessions of the peace, and of the common pleas, in and for the said Centre county, shall be opened and holden on the Mondays next succeeding the general county courts held in the county of Mifflin, in each year, at the house now occupied by James Dunlop, in the town of Bellefonte, in the said Centre county, until a court house shall be erected, as hereinafter directed, and shall then be held at the said court house.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the courts of common pleas and general quarter sessions of the peace for the county of Huntingdon, shall be held on the Mondays next succeeding such courts to be held in the said Centre county, and the said courts for the county of Bedford shall be held on the Mondays next succeeding the said courts in the county of Huntingdon.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That no action or suit now commenced or that shall be commenced in the county courts of Mifflin, Northumberland, Lycoming or Huntingdon, before the first day of November next, against any person living or residing within the bounds of Centre county, shall be stayed, discontinued or affected by this act, or any thing herein contained, but that the same may be prosecuted to the final issue, in the same manner as if this act had not been passed.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the inhabitants of the said Centre county shall under the same rules, laws and regulations as the other counties of this commonwealth elect such officers as they by law and the constitution are entitled to.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the sheriffs, treasurers, and all such officers as have heretofore usually given bail for the faithful discharge of the duties of their respective offices, who may hereafter be elected or appointed in Centre county, before they, or either of them, shall enter upon the execution of their respective offices, shall give sufficient security, in the like sums, in the like manner and form, and for the like uses, trusts and purposes, as such officers are obliged by law, for the time being, to do in the county of Mifflin.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That all arrearages of taxes now due, and which have been assessed within the counties of Mifflin, Northumberland, Lycoming and Huntingdon, prior to the passing of this act, shall be collected by the proper officers of the said counties, and shall be by them paid to [the] treasurers of the said counties respectively, in the same manner as if this act had not passed.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That Andrew Gregg, William Swanzey and Robert Boggs of Bald Eagle be, and they are hereby, appointed trustees for the county aforesaid, with full authority for them, or the survivors or survivor of them, to purchase or take and receive, by grant, bargain, or otherwise, as well all such assurances for the payment of money and grants of land, as hath been stipulated for by James Dunlop and James Harris, by their bond to the governor of this commonwealth, as also any moneys, bonds or other property that may hereafter be offered to them, in trust to sell and convey, or otherwise dispose of the same, to the best advantage; and to vest one moiety of the net proceeds thereof in some productive fund, for the support of an academy or public school, in the said county, and with the other moiety

of the net proceeds of the land or lots aforesaid, and with other moneys duly assessed, levied and collected within the said Centre county for that purpose, which it is hereby declared it shall be lawful for the commissioners thereof to do, or cause to be done, to build and erect a court house, prison and other buildings for the safe keeping of the public records of said county, on such part of the public square, laid out in the said town of Bellefonte, as to them shall appear most suitable; and the said trustees shall, from time to time, render due and faithful accounts of the expenditures of the same, to the commissioners and to the auditors of the county, who are hereby authorized to adjust and settle the same.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the inhabitants of the county of Centre, until the next enumeration of the taxable inhabitants is made agreeably to the fourth section of the first article of the constitution, shall hold their elections for members of federal and state legislatures with the counties and districts to which they have been heretofore annexed, in the same manner as if this law had not been enacted, anything hereincontained to the contrary notwithstanding, save only that the inhabitants of so much of lower Bald Eable as is included in the said Centre county, shall hold their general election at the house now occupied by Archibald Stewart, in said township, and so much of Franklin township as is included in the said Centre county, shall hold their general elections with the inhabitants of the townships of Potter and Patton, at the house now occupied by William King, in Potter's township.

Passed February 13, 1800. Recorded L. B. No. 7, p. 90, etc.

CHAPTER MMCIV.

ACT TO COMPENSATE THE HEIRS AND DEVISEES OF JOHN RANKIN, LATE OF YORK COUNTY, DECEASED.

Whereas John Rankin, late of York county, deceased, did, in October one thousand seven hundred and seventy-nine, purchase at public sale, from the agents for confiscated estates for the county of York, a certain tract of land situate in Newbury township and county aforesaid, forfeited by James Rankin, for which land Elizabeth Rankin, widow of the said John Rankin, obtained from this commonwealth a deed of conveyance, made to her as sole executrix named in the last will of the said deceased. And whereas, in order to gain legal possession of the aforesaid premises, the said Elizabeth brought a writ of ejectment against Samuel Brady then in possession of the premises, and claiming the same under a title paramount to the aforesaid deed, in the court of common pleas for the county of York, claiming under the aforesaid deed, and the same cause being at issue, was tried before the said court in September term, one thousand seven hundred and ninety-seven, and verdict given and judgment rendered for the said Samuel Brady against the said Elizabeth Rankin, thereby deciding that she had not a good title to the premises under the aforesaid deed. In order, therefore, to indemnify the heirs and devisees of the said John Rankin:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor be, and he is hereby, empowered to issue his warrant on the treasurer of this state, for the payment of three hundred and ten dollars to Elizabeth Rankin, executrix of the last will and testament of John Rankin, late of York county, deceased, which sum the said treasurer

is hereby required to pay out of the fund appropriated for the support of government; and the said sum having been paid to and accepted by the said Elizabeth Rankin, executrix as aforesaid, shall be deemed and taken as a full satisfaction and compensation for all costs and damages which the said Elizabeth Rankin, and the heirs and devisees of the said John Rankin, or either of them, may have sustained through the defect and invalidity of the deed of conveyance made by this commonwealth to the said Elizabeth Rankin, for a tract of land situate in York county aforesaid, and particularly ascertained and described in the aforesaid deed.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the sum of three hundred and ten dollars, so having been paid to the said Elizabeth Rankin, shall be deemed and taken, and it is declared to be to the use of the said Elizabeth Rankin, and the heirs and devisees of the said John Rankin; and the said Elizabeth Rankin shall be accountable to the persons respectively who had, or have, any right or claim under the last will and testament of the said John Rankin to the said land, for his, her or their proportional part or portion of the said sum of three hundred and ten dollars, agreeably to such right.

Passed February 19, 1800. Recorded L. B. No. 10, p. —.

CHAPTER MMCV.

AN ACT TO APPROPRIATE A SUM OF MONEY TO DEFRAY THE FUNERAL EXPENSES OF THE LATE MAJOR GENERAL THOMAS MIFFLIN.

Whereas the legislature did on the twentieth day of January, one thousand eight hundred, resolve that the remains of the late Major General Thomas Mifflin be interred at the sole expense of this commonwealth, conceiving it due to his memory, and thereby manifesting their sense of his numerous and many important services. Therefore:

persons possessing land on the said creek, who, before the passing of this act, had authority under the laws of this commonwealth

to erect a dam or dams, from erecting the same, as he, she or they may think proper. Provided, That such dam or dams be so constructed and kept in repair by the owners thereof, with complete slopes and locks on convenient parts of such dams, as that the navigation of the said creek for boats and rafts will not be injured thereby, nor the passage of fish prevented.

Passed February 19, 1800. Recorded L. B. No. 7, p. 94.

CHAPTER MMCVII.

A SUPPLEMENT TO THE SEVERAL ACTS RELATIVE TO ESTABLISHING TOWN AND OUT LOTS, AND SELLING THE SAME, WITHIN THE RESERVED TRACTS ADJOINING ERIE, FRANKLIN, WARREN AND WATERFORD.¹

Whereas it has heretofore been provided by law that the respective purchasers of town lots, in the towns of Erie, Franklin, Warren and Waterford, should, within two years from and after the day of sale, erect and build one house, at least sixteen feet square and containing at least one brick or stone chimney, on each and every town lot by them respectively purchased, and that without due proof of such improvement, the governor should not grant or issue any patent. And whereas, provision has also been heretofore made, for allowing persons who have purchased any lot or lots in the second and third divisions of the town of Erie, to take a lot or lots in the first division of the said town, at the same price they purchased them at the former sales, and that all those who have paid for or improved any forfeited lot or lots, shall have a pre-emption to the said lot or lots, at the price they sold at former sales; Provided he, she or they did apply within three months after the eleventh of April last, and pay for the same.

¹See Act of April 18, 1795, Chapter 1856, and Act of April 11, 1799, Chapter 2080.

But whereas, no provision was made to dispense with the improvement heretofore required by law, to be erected in case of making such change of lots, or complying with the said terms of pre-emption, and it appears expedient that the said improvements should be dispensed with, and further time allowed for securing the said pre-emption. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That so much of any law as imposes upon any person or persons who have purchased, or shall hereafter purchase, any lot or lots in the town of Erie, Franklin, Warren and Waterford, the condition of improving the same, and prohibits the issuing of any patent or patents, unless proof of such improvement be first made, shall be, and the same is hereby, repealed.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That any person or persons who have paid any money for, or improved any forfeited lot or lots, in the said towns of Erie, Franklin, Warren or Waterford, shall have a pre-emption to said lot or lots, at the prices they sold for at former sales, provided he, she or they apply within twelve months after the passing of this act, and pay for the same.

Passed February 19, 1800. Recorded L. B. No. 7, p. 97.

CHAPTER MMCVIII.

AN ACT TO ENABLE THE OWNERS AND POSSESSORS OF A CERTAIN TRACT OF MARSH MEADOW, SITUATE ON THE WEST SIDE OF DARBY CREEK, AND ADJOINING TO THE RIVER DELAWARE, IN THE TOWNSHIP OF RIDLEY, IN THE COUNTY OF DELAWARE, TO KEEP THE BANKS, DAMS, SLUICES AND FLOODGATES IN REPAIR, AND TO RAISE A FUND TO DEFRAY THE EXPENSES THEREOF.

Whereas there is a certain tract or parcel of marsh and meadow land, situate in the township of Ridley, in the county of Delaware, commonly known by the name of the District of

Ridley Meadows, bounded by the river Delaware, Darby creek, Stone creek, the fast land and Crum creek, which said tract or parcel of marsh and meadow land hath been and now is embanked; but inasmuch as the banks, dams, sluices and flood gates made for the stopping out the tide waters from the same, and for preventing the overflowings thereof, cannot in the opinion of the owners thereof, be so equitably and sufficiently maintained under the existing law, as by enacting another, with such improvements and regulations, as are by experience found to be necessary. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the owners and occupiers of the said tract of meadow, shall be henceforth called and named the Ridley Meadow Company, and that they, or as many of them as as shall think fit, shall and may meet together, on the last Monday in March, yearly and every year hereafter, at the house now occupied by Thomas West, or at such other convenient place in the said township, as shall hereafter be appointed by the managers of the said company, or any two of them, to be chosen by virtue of this act, of which place and time of meeting the treasurer of the said company shall notify the owners and occupiers, by three advertisements at least, in the said township, ten days before the day appointed for such meeting, and then and there, by a majority of those met, choose, by ticket in writing, three fit persons, owners or possessors of land in the said district, to be managers, and one fit person to be a treasurer, for the year next ensuing. Provided always, That no tenant shall have a right to elect or be elected, unless he rents four or more acres.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That if any of the owners or possessors elected managers as aforesaid, on due notice given in writing of his election by some of the company present at the said election, shall refuse, or afterwards neglect to do the duty required of him or them, by this act, he or they so refusing or neglecting his or their duty, shall forfeit and pay to the use of the

company eight dollars, which fine shall be recovered by the treasurer, in like manner as other moneys are by this act recoverable, unless he or they hath served four years successively in the said office next before his or their said appointment; and the other managers shall proceed in the execution of their office, or if they think fit, may choose another of the said owners or possessors as aforesaid to be manager in the place of him so refusing or neglecting to serve; and if the person so elected treasurer shall refuse or neglect to take upon him the duties, or to give the surities required by this act, he shall pay a fine of eight dollars, to the use of the company, which fine shall be recovered at the suit of the managers of the said company, or either of them, in manner aforesaid; and if the treasurer chosen as aforesaid shall, by death or otherwise, be rendered incapable to execute the said office, the managers, for the time being, shall choose another fit person to be the treasurer for that year.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That every treasurer hereafter to be chosen or appointed as aforesaid shall, before he takes upon him the execution of his office, enter into an obligation, with at least one sufficient surety, in double the value of the money that may probably come into his hands during his continuance in office, as near as can be estimated by the managers, conditioned that he will once in every year, or oftener if required, render his accounts to the said managers, or a majority of them, and well and truly account, adjust and settle with them when required, for and concerning all monyes that are or shall come to his hands by virtue of this act, or that belongs to the owners of the land in the said district, and shall well and truly pay the balance that shall appear on such settlement to be in his hands, to such person and to such services as any two of the managers, for the time being, shall order and appoint, and not otherwise, and that he will do and execute all other matters and things as treasurer to the said company, according to the true intent and meaning of this act, and that he will at the expiration of his time in office, well and truly pay, or cause to be paid and delivered, all the money then remaining in his hands, together with the books of

accounts concerning the same, and all other papers and writings in his keeping, belonging to the said company, unto his successor in the said office.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the banks, dams, sluices and flood gates which belong to the said company, shall hereafter be maintained and supported in the following manner, viz: Beginning at the fast land near the house late of Swan Culin, deceased, thence along the said bank twenty-eight perches, including one dam and sluice bank containing two perches each, to a post, shall belong to Caleb Davis, Esquire; thence on the said bank thirteen perches, to a stake at the beginning of a dam, shall belong to William Paul; thence seven perches and four feet public work to a stake, thence on the said bank fifteen perches to a stake, shall belong to William Paul; thence on the said bank twenty-seven perches to a white oak, shall belong to the estate late of William Hoskin, deceased, which shall be deemed and taken in full of said estate's allotment of bank, belonging to the said company; thence on said bank fourteen perches, including one sluice bank of two perches, to a stake at a dam, shall belong to Jacob Painter, and heirs of Thomas Smith, deceased; thence on said bank one and a half perches public work to a stake, thence on said bank nine perches to a stake, shall belong to Caleb Davis, Esquire; thence on the said bank nine perches to a stake, shall belong to William Paul, which shall be deemed and taken in full of his allotment of bank, belonging to the said company; thence on said bank twenty-four perches, to a stake, shall belong to Jacob Painter, and the heirs of Thomas Smith, deceased, which shall be deemed and taken in full of their allotments of bank, belonging to the said company; thence on said bank eight perches public work to a stake, thence on said bank twenty-six perches to a stake, shall belong to Caleb Davis, Esquire, thence five perches to a stake public work, thence on said bank twenty-two perches and twelve feet, to a stake, shall belong to John Crozer, which shall be deemed and taken in full of his allotment of bank, belonging to said company; thence on the said bank twenty-two perches and twelve feet, to a stake, shall belong

to Aaron Morton; thence on the said bank twenty-six perches, to a stake, shall belong to Peter Hill; thence on the said bank six perches public work, to a stake, thence on the said bank eleven perches to a stake, shall belong to Peter Hill; thence on the said bank sixty-four perches, to a stake, shall belong to Caleb Davis, Esquire; thence on the said bank twelve perches, to a stake, shall belong to Peter Hill; thence on the said bank four perches, to a stake public work; thence on the said bank fourteen perches, including one sluice bank of two perches, to a stake, shall belong to Aaron Morton, which shall be deemed and taken in full of his allotments of bank, belonging to the said company; thence on the said bank sixteen perches, to a stake, shall belong to Peter Hill, which shall be deemed and taken in full of his allotments of bank, belonging to the said company; thence on the said bank forty-five perches, including four perches of sluice bank, to the fast land near the house late of Isaac Hendrickson, shall belong to Caleb Davis, Esquire, which shall be deemed and taken in full of his allotments of bank, belonging to the said company. Provided nevertheless, That all dams, sluices, sluice banks and flood gates, whether included in the different allotments aforesaid or otherwise, shall always be maintained and supported by the managers, at the expense of the said Ridley Meadow Company.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the managers, for the time being, of the said district, or any two of them, shall have the power of disposing of all moneys paid to the treasurer by virtue of this act, and shall cause the banks belonging to the said district to be sown with grass seed when necessary, and mowed in the months of May, July and September, every year, and kept clean, and shall have the power of hiring and appointing, at the expense of the said company, any person or persons, from time to time, to inspect the condition of all the banks, dams, sluices and flood gates, belonging to the said district, and to offer and pay such rewards as they may think proper, out of the common stock, for the destruction of such vermin as usually damage the banks and dams, as well as for all other general services of the said company.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the major part of the managers, for the time being, of the said district, shall, at least twice in each year hereafter, at such times as they may think necessary, by written or printed advertisements, published in three or more places in the said township, at least ten days before the time therein to be appointed, require the owners or occupiers of all lands in the said district to cut all ransed, elders, poke, thistles, burdock and other weeds, which may be injurious to the said meadows; and should the owners or occupiers of the said lands, or any of them, neglect to cut or mow the same, at such times as they shall be so required, it shall and may be lawful for the said managers, and they are hereby enjoined and required to hire and employ a sufficient number of men to cut or mow the same, and fine the said owner or occupier for their neglect, in any sum not exceeding the cost of the said cutting or mowing, and recover the money so expended, and the fine so imposed, by a suit to be brought in the name of the treasurer, or either of the managers of the said district, in like manner as debts of equal amount are by law recoverable; which fines shall be applied to the benefit of the said company.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That all ditches or drains which now are, or hereafter shall be made in the said district, of the width of nine feet, and of the depth of four feet, shall be deemed and considered in law as lawful fences and enclosures; and if any owner or occupier shall find on his or her land, within the said district, any swine, hog or hogs, it shall and may be lawful for the said owner or occupier to seize and take all such swine, hog or hogs, whether yoked and ringed, or not, and being legally attested before the next justice that such swine or hogs were taken in his or her meadow land, within the said district, the said justice shall forthwith order and direct the treasurer of the said company to advertise the same, and within five days, sell at public auction all such swine, and after deducting all reasonable cost, pay one moiety of the remainder to the person so taking them up and apply the other to the use of the company.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said managers to meet together, as often as they shall see occasion, to direct the necessary repairs; and the said managers, or a majority of them, for the time being, are hereby empowered, authorized and required to enter upon and inspect, at least four times in each year, the condition of the said banks, dams, sluices and floodgates, and other conveniences necessary for stopping out the tides, and draining the waters from the said meadows; and it shall and may be lawful to and for the said managers, or any of them, together with such workmen, horses, carts, barrows and other tools as they shall think necessary, to enter into and upon any of the lands in the said district, where a breach or defect now is, or shall hereafter happen to be, and then and there to dig and carry earth, or purchase suitable materials to make, amend and repair the banks, dams, sluices and flood gates, and all other conveniences necessary for stopping out the tide, or for draining the waters of the meadows, in such manner and by such ways and means as they, the said managers, or a majority of them, shall think fit and reasonable, any law, usage or custom of this commonwealth to the contrary in any wise notwithstanding.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the two drains leading from Stone creek to Crum creek, across said meadows, and all line drains, and the drain inside of and next to the bank, shall be nine feet wide and four feet deep, and shall be made, scoured and kept clean at all times by the owners or possessors of the said meadows; and if any of the said owners, occupiers or possessors shall neglect or refuse, on notice given them, or any of them, by the aforesaid managers, for the time being, to make, amend, scour or repair their, or any of their parts respectively, it shall and may be lawful for the said managers, or a majority of them, and they are hereby forthwith required and enjoined to order any workmen to open, scour or amend the said drain or drains, and they shall adjust and settle the price thereof, and charge the

owner, owners or possessors, so refusing or neglecting, with their respective parts of the same, and compel payment in the manner hereinafter directed.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That if any owner or occupier shall think him, her or themselves aggrieved by any act, order, account, proceeding or neglect of any of the said managers, such owner or occupier shall, if he, she or they think proper, choose one fit person disinterested, and the said managers, or any two of them, shall choose one other fit and distinterested person, who, if occasion be, shall choose a third person alike disinterested, and the persons so chosen, or any two of them, shall finally settle the same, and all matters and things in dispute, that shall be referred to them by the parties, and the party entitled to the balance or damages so found, may recover the same in the manner hereinbefore mentioned.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the orders of any two of the managers on the treasurer of the said company, for the time being, shall be complied with or paid by the said treasurer, and shall be good vouchers to indemnify him for the payment and delivery of the money and effects committed to his care by virtue of this act.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall wickedly and maliciously cut through, break down or damage any of the banks, dams, sluices or flood gates, to the said district belonging, or shall let in any creek or water, to annoy, injure or overflow the meadows therein, and shall thereof be convicted before the judges of the courts of quarter session in the county of Delaware, in all such cases the person or persons so offending, shall be fined treble the value of the damages to be assessed by two or more indifferent persons, to be appointed by the said court to value the same; one-third part of which fine shall be paid to the person or persons injured, and the remaining two-thirds thereof shall be paid to the treasurer, for the use and benefit of the said company.

[Section XIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That if any of the said owners, occupiers or possessors of lands within the said district, shall neglect or refuse to pay the several sums of money that shall from time to time be rated, assessed or imposed by the major part of the managers of the said district, for paying and discharging their respective proportions for maintaining the banks, dams and sluices, to the said district belonging, or for making or scouring drains or ditches, when thereunto required as aforesaid, for the space of thirty days after demand made by the treasurer of the said company, it shall and may be lawful for the said treasurer, by the direction of the major part of the managers, for the time being, in his own name, to sue for and recover the several sums of money so charged and assessed, in the same manner as debts of equal amount are by law recoverable, and give this act and the said assessment, or the said account, in evidence. Provided always, That such delinquent owner, occupier or possessor, shall not be entitled to stay of execution for any longer time than ten days.

[Section XIV.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That the managers of the said district shall each of them have and receive one dollar per day, for each day they shall be employed in the several duties required of them by this act; and the treasurer of the said company shall have such compensation for his services, as a major part of the managers of the said district shall think adequate.

[Section XV.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That the act of assembly of the late province of Pennsylvania, entitled, "An act to enable the owners and possessors of the meadow at the west side of the mouth of Darby creek, by the river Delaware, in the township of Ridley, in Chester county, to keep the banks, dams, sluices and flood gates in repair forever, and to raise a fund to defray the expense thereof,"¹ and another act of assembly of the province entitled, "An act for amending each and every of the acts of assembly of this province heretofore made, for embanking and draining

¹Passed March 14, 1761, Chapter 462.

several parcels of marshy lands, situate in the counties of Philadelphia and Chester, and for repairing and maintaing the banks, dams and sluices thereunto belonging,"² so far as they relate to the aforesaid district, shall be, and are hereby repealed and made null.

Passed February 26, 1800. Recorded L. B. No. 7, p. 99, etc.

CHAPTER MMCIX.

AN ACT TO AUTHORIZE JOHN B. PALMER AND FREDERICK HEISZ TO SELL AND DISPOSE OF, IN FEE SIMPLE, THE REAL ESTATE OF JACOB PALMER, A LUNATIC.

Whereas by certain proceedings had in the supreme court, under the authority of the sixth section of the fifth article of the constitution of this commonwealth, John B. Palmer and Frederick Heisz were duly appointed a committee, to take care of the person and estate of Jacob Palmer, a lunatic, and it further appears by the said proceedings that the said Jacob Palmer hath not any personal estate. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful to and for John B. Palmer and Frederick Heisz to sell and convey, in fee simple to any person or persons whomsoever, willing to purchase the same, either by public or private sale, all the real estate of Jacob Palmer, a lunatic, at such time or times, and in such proportions, as to them may appear proper and necessary, for the use of, and to enable them to provide for the necessary subsistence and clothing of the said Jacob Palmer, Provided, That the said John B. Palmer and Frederick Heisz shall, before they proceed to sell and convey any part or parts of the estate of the said Jacob Palmer, enter into recognizance, with sufficient

²Passed February 15, 1765, Chapter 523.

surety, before the supreme court, or in the court of common pleas in the county where the estate lies, that all the money arising from the sales authorized by this act, shall be applied for the maintenance of the said lunatic, and to no other use.

Passed March 1, 1800. Recorded L. B. No. 7, p. 113.

CHAPTER MMCX.

AN ACT FOR DIVIDING THE CITY OF PHILADELPHIA INTO WARDS, AND ALLOWING AN ADDITIONAL INSPECTOR TO EACH OF THE SAID WARDS, AND FOR OTHER PURPOSES.

Whereas from the increased population of the city of Philadelphia, and the unequal division of the same into wards, great inconveniences have been experienced, not only in making assessments and collecting taxes, but also in conducting the general elections for the said city. For remedy whereof:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, the city of Philadelphia shall be divided into fourteen wards, in the manner following, viz: so much of the said city as shall be included within a line beginning at the river Delaware, thence by the northern boundary of the city to Fourth street, thence by the same to Sassafras street, thence by the same to the river Delaware, and thence by the said river to the northern boundary of the city, shall be one ward, to be henceforth called "Upper Delaware Ward;" and so much of the said city as shall be included within a line beginning at the river Delaware, thence by Sassafras street to Fourth street, thence by the same to Mulberry street, thence by the same to the river Delaware, and thence by the said river to Sassafras street, shall be one ward, to be henceforth called "Lower Delaware Ward;" and so much

ing the votes at the same, the two inspectors for each ward shall occupy one window or door of the house where the election shall be holden, in exclusion of the inspector or inspectors of any other ward or place; and that, from and after the passing of this act, the general elections for the said city shall be opened between the hours of eight and ten in the forenoon, and shall continue, without interruption or adjournment, until the electors who shall come to the said election shall have an opportunity to give in their votes, anything in the said recited act to the contrary notwithstanding.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That at the next ensuing elections for assessors and constables for the several wards of the said city, each of the aforesaid wards shall be entitled to choose the same number of assessors as the several wards are now by law entitled to, and one constable; and until the said elections, the present assessors and constables shall continue in the performance of their several duties, as if this act had not been passed.

Passed March 1, 1800. Recorded L. B. No. 7, p. 114.

CHAPTER MMCXI.

AN ACT TO ANNEX PART OF BEDFORD COUNTY TO THE COUNTY OF SOMERSET.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That all that part of Bedford county in Londonderry township, lying westward of a line to begin on the top of the Little Allegheny mountain, where the Maryland line crosses the same, thence running along said mountain a northerly direction to where the mountain breaks, thence a straight line to the breast works to intersect the present line be-

tween Bedford and Somerset counties, shall, from and after the passing of this act, be annexed to the county of Somerset; and the electors thereof shall hold their general elections in Berlin.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That one of the county commissioners of the county of Somerset, and one of the county commissioners of the county of Bedford, shall meet on the first day of May next, and employ a skilful surveyor to run and mark, in a plain manner, a line under their direction agreeably to the provisions of this act; and it shall be the duty of the said commissioners to make report of the courses and distances of the said line to the court of quarter sessions of their respective counties, there to remain of record, as the established line between said counties; and the expenses necessarily incurred in running and marking said line shall be paid out of the treasury of Somerset county, upon a warrant or warrants to be drawn by the commissioners of said county.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That no action or suit that have been, or may be commenced in the county court of Bedford before the first day of June, against any person living or residing within the lines by this law annexed to the county of Somerset, shall be stayed, discontinued or affected by this act, but the same may be prosecuted to the final issue, in the same manner as if this act had not passed; and all taxes laid by the commissioners of Bedford county, on the persons or property included within the said lines prior to the passing of this act, shall be collected and paid into the treasury of Bedford county.

Passed March 1, 1800. Recorded L. B. No. 7, p. 112.

CHAPTER MMCXII.

AN ACT AUTHORIZING THE COMMISSIONERS OF NORTHAMPTON COUNTY, AND THEIR SUCCESSORS IN OFFICE, TO RECEIVE FOR A LIMITED TIME, THE TOLL THEREIN MENTIONED FROM TRAVELERS AND OTHERS PASSING OVER THE BRIDGE ERECTED OVER THE LEHIGH, WHERE THE ROAD LEADING FROM EASTON TO PHILADELPHIA CROSSES THE SAME, IN THE COUNTY AFORESAID.

Whereas it has been represented to the legislature, by the petition of Abraham Horn and others, that the said Abraham Horn had, in pursuance of a law passed the fourth day of April, Anno Domini one thousand seven hundred and ninety-six, erected a bridge over the river Lehigh, where the road leading from Easton to Philadelphia crosses the said river, which bridge, when erected, proved insufficient and failed; that the said Abraham Horn had afterwards, at his own expense, erected a bridge over the said river, at the same place where the former one had been, which has been found very beneficial to the interests of the surrounding country, and of great utility to the public at large. And whereas it is represented that the said Abraham Horn has expended two thousand three hundred and thirty-three dollars and thirty-four cents, in erecting two permanent pillars to support the bridge, over and above the other expenses of building the same, that for the purposes of being reimbursed the sum of money so by him expended as aforesaid, and for keeping the said bridge in necessary and proper repair. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That with the consent and approbation of the court of quarter sessions of the county of Northampton, it shall and may be lawful for the commissioners of the said county, and their successors in office, for the time hereinafter limited, to demand and receive toll from travelers and others passing over a bridge erected over the river Lehigh, where the

the same.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners, or their successors in office, shall, yearly and every year, exhibit and lay before the grand jury and the court of quarter session of the county of Northampton, a fair statement and account of the moneys received as toll for passing the said bridge, together with the expenses for repairs and attendance in receiving and collecting the same, which, when allowed and approved of by the court and jury aforesaid, the remainder thereof, after deducting the expenses of repairs and attendance, shall be paid to the said Abraham Horn, his heirs and assigns, and shall go toward extinguishing the sum of two thousand three hundred and thirty-three dollars and thirty-four cents, by the said Abraham Horn expended in building the said bridge, with the interest that may have accrued on the same, until the whole sum of two thousand three hundred and thirty-three dollars and thirty-four cents, together with the interest thereof, be fully paid and discharged, and also the moneys that were collected and paid by private subscribers for completing the said bridge.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the commissioners of the county of Northampton, at any time hereafter, with the consent of the court and grand jury, to declare the said bridge free from all toll whatsoever, on their first paying to the said Abraham Horn, his heirs or assigns, the said sum of two thousand three hundred and thirty-three dollars and thirty-four cents, with the interest that may have accrued on the same, or the balance that may be due of the same sum, and on their satisfying the private subscribers for their several and respective contributions or demands.

Passed March 1, 1800. Recorded L. B. No. 7, p. 108.

CHAPTER MMCXIV.

AN ACT TO CONTINUE AND MAKE PERPETUAL THE LAW, ENTITLED, "AN ACT FOR OPENING AND BETTER AMENDING AND KEEPING IN REPAIR THE PUBLIC ROADS AND HIGHWAYS WITHIN THIS PROVINCE."

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the act, entitled, "An act for opening and better amending and keeping in repair the public roads and highways within this province," passed the twenty-first day of March, one thousand seven hundred and seventy-two,¹ and every thing and matter in the same act contained (the clause of limitation thereof only excepted) shall be, and the same is hereby, continued and made perpetual.

Passed March 1, 1800. Recorded L. B. No. 7, p. 117.

CHAPTER MMCXV.

AN ACT TO ERECT THE TOWNSHIP OF WASHINGTON, IN THE COUNTY OF FRANKLIN, INTO A SEPARATE ELECTION DISTRICT, AND TO REMOVE THE PLACE OF HOLDING THE ANNUAL ELECTIONS IN THE DISTRICT COMPOSED OF PLUM AND VERSAILLES TOWNSHIPS, IN THE COUNTY OF ALLEGHENY.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, the township of Washington, in the county of Franklin,

¹Chapter 653.

shall be a separate election district, to be called the sixth election district; and the electors thereof shall hold their elections at the house now occupied by Michael Coskry, in the town of Waynesburg.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That, from and after the passing of this act, the electors composing the district of Plum and Versailles townships, in the county of Allegheny, shall hold their annual elections at the house now occupied by John Thomson, in Plum township, anything in any former law to the contrary notwithstanding.

Passed March 3, 1800. Recorded L. B. No. 7, p. 116.

CHAPTER MMCXVI.

AN ACT TO ALTER THE TIME FOR THE REGISTER-GENERAL AND THE STATE TREASURER, TO EXHIBIT A STATEMENT OF THE ACCOUNTS OF THEIR RESPECTIVE OFFICES TO THE LEGISLATURE.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, the register-general shall, on the second Monday of December, in every year, exhibit to the legislature a statement of the accounts of his office, and the state treasurer shall, on the same day, lay before the legislature a full and correct statement of his accounts, containing the receipts and expenditures of his office during the preceding year.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the tenth section of the act, entitled, "An act to provide for the settlement of public accounts,

and for other purposes therein mentioned," passed the fourth day of April, Anno Domini one thousand seven hundred and ninety-two,¹ be, and the same is hereby, repealed.

Passed March 3, 1800. Recorded L. B. No. 7, p. 118.

CHAPTER MMCXVII.

AN ACT TO AUTHORIZE THE CORPORATIONS OF THE CITY OF PHILADELPHIA, AND THE DISTRICT OF SOUTHWARK, TO ENROLL THEIR PUBLIC ORDINANCES IN THE OFFICE FOR RECORDING OF DEEDS IN THE COUNTY OF PHILADELPHIA.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, the corporation of the city of Philadelphia, and the district of Southwark, are hereby authorized and directed to enroll their public ordinances in the office for recording of deeds in the county of Philadelphia, under the same restrictions and regulations, and at the same fees and rates, as are allowed the master of rolls for recording the laws of this commonwealth, as heretofore provided by an act, entitled, "An act to incorporate the city of Philadelphia," passed the eleventh day of March, one thousand seven hundred and eighty-nine,¹ and also an act, entitled, "An act to incorporate the district of Southwark," passed the eighteenth day of April, one thousand seven hundred and ninety-four,² anything in any former laws to the contrary in anywise notwithstanding.

Passed March 3, 1800. Recorded L. B. No. 7, p. 118.

¹Chapter 1627.

¹Chapter 1394.

²Chapter 1742.

CHAPTER MMCXIX.

AN ACT TO PROVIDE FOR THE ENUMERATION OF THE TAXABLE INHABITANTS AND SLAVES WITHIN THIS COMMONWEALTH.

Whereas it is ordained and established by the fourth section of the constitution of this commonwealth "that, within three years after the first meeting of the general assembly, and within every subsequent term of seven years, an enumeration of the taxable inhabitants shall be made, in such manner as shall be directed by law." Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the commissioners of the several counties of this commonwealth shall, on or before the first day of June next, issue their precepts to the respective township, town and ward assessors, or in case of their absence or inability, to one of the assistant assessors, requiring them, within sixty days after the date of such precept, to make out two complete lists, in alphabetical order, containing a just and true account of the names and surnames of every taxable person of the age of twenty-one years and upwards, whether male or female, resident within their respective township, town, wards, or districts; and it shall also be the duty of the said commissioners and assessors to cause the number of all negroes, mulattoes and people of color, held as slaves within their respective counties, to be carefully and accurately taken in a separate list, distinguishing their sexes, and, as near as may be, their several ages; and the commissioners and assessors, or assistants, shall respectively take an oath or affirmation, before some judge or justice of the peace of their respective city or county, who is hereby empowered and required to administer the same, previous to their entering on the duties by this act required. The oath or affirmation of the commissioners shall be: "I, A. B., do solemnly swear, or affirm, that I will well and truly

and the other half to the prosecutor or person who shall sue for the same; but where the prosecution shall be first instituted on

behalf of the commonwealth, the whole forfeiture shall accrue to its use. And for the more effectual discovery of offences against this act, the judges of the courts of quarter sessions of the several counties, at their next sessions to be held after the expiration of the time herein allowed for making the returns of the enumeration hereby directed to the commissioners of the several counties of this commonwealth, shall give this act in charge to the grand juries in their respective courts, and shall cause the returns of the several assessors or assistants to be laid before them for their inspection.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners, as soon as the township, town or ward returns have been made to them, shall file one copy of all such returns with the clerks of the quarter sessions of their respective counties, who shall receive and lay the same before the judges of the county courts aforesaid; and if the said judges shall, from the representation of the grand jury, or other evidence, be of opinion that the enumeration aforesaid has not been accurately taken in any part of their respective counties, it shall and may be lawful for them to cause the same, or any part thereof, to be revised, the proceedings wherein shall be conducted in like manner as other proceedings in the same behalf, directed in this act, and shall be final and conclusive; and the persons appointed by the said judges to make such revision shall be entitled to the same reward, and subject to the same penalties, as the persons hereinbefore enjoined to do the like services.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That each assessor, or assistant, shall receive such compensation for his services in making the said returns, as to the said commissioners shall appear reasonable, not exceeding one dollar per day. Provided always, That in any county where a county tax shall be laid, between the time of passing this act and of making the return of the said lists to the county commissioners, the persons usually enjoined by law to make the said returns to the county commissioners, shall perform the duties required by this act, without any further compensation

than that already allowed by law in such cases, excepting only the allowance for making and setting up the lists hereinafter mentioned; which allowance, with the charges attending the enumeration, shall be paid out of the county stock of the respective counties.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That each assessor, or assistant, shall, twenty days previous to his making his return to the said commissioners, cause a correct alphabetical list, signed by himself, containing the names and surnames of the taxable inhabitants, together with their several occupations, actually residing within his township, town, ward or district, to be set up at five of the most public places within the same, for the inspection of all concerned; for each of which lists so set up, he shall be entitled to receive the sum of one dollar.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That each and every assessor, or assistant assessor, who shall wilfully or negligently fail in performing the duties enjoined upon them by this act, or, under color of performing such duties, shall make a false return to the commissioners, he shall forfeit and pay the sum of one hundred dollars, to be recovered and applied agreeably to the provision contained in the second section of this act.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That no prosecution for any delinquency or offence against this act, shall be brought after twelve months from and after the cause thereof shall have happened.

Passed March 7, 1800. Recorded L. B. No. 7, p. 129, etc.

CHAPTER MMCXX.

AN ACT TO REPEAL, IN PART, THE ACT, ENTITLED, "AN ACT TO REGULATE FENCES, AND TO ENCOURAGE THE RAISING OF SWINE."

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by

the authority of the same, That, from and after the first day of June next, the act, entitled, "An act to regulate fences, and to appoint appraisers in each township in the counties of Bedford, Northumberland, Westmoreland, Washington and Fayette, and to encourage the raising of swine," passed the twenty-seventh day of March, one thousand seven hundred and eighty-four,¹ be, and the same is hereby, repealed, so far as the same respects, and is in force in, the county of Northumberland, agreeably to the now limits of the said county.

Passed March 7, 1800. Recorded L. B. No. 7, p. 120.

CHAPTER MMCXXI.

AN ACT TO REVIVE AND AMEND AN ACT, ENTITLED, "AN ACT TO ENABLE THE GOVERNOR OF THIS COMMONWEALTH TO INCORPORATE A COMPANY, FOR THE PURPOSE OF PROMOTING THE CULTIVATION OF VINES, AND FOR OTHER PURPOSES THEREIN MENTIONED."¹

Whereas it hath been represented to the legislature of this commonwealth, that a sufficient number of shares of the stock of the intended company for promoting the cultivation of vines, to entitle the subscribers to a charter of incorporation, has not yet been subscribed, and that they have not been able to proceed to the planting and cultivation thereof, by reason of which they have ceased to be entitled to the rights and privileges originally intended to be granted to them. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the act, entitled, "An act to enable the governor of this commonwealth to incorporate a company, for the purpose of promoting the cultivation of vines, and for other purposes therein mentioned," be, and the same hereby is, revived, except so much thereof as is hereinafter altered or amended.

¹Chapter 1089.

¹Passed March 22, 1793, Chapter 1664.

CHAPTER MMCXXII.

AN ACT TO AUTHORIZE THE ELECTORS OF THE DISTRICT OF SOUTHWARK, AND THE ELECTORS OF THE TOWNSHIP OF THE NORTHERN LIBERTIES, EACH TO CHOOSE FOUR INSPECTORS, AND THE TOWNSHIP OF GERMANTOWN TO CHOOSE ONE ADDITIONAL INSPECTOR, TO SERVE AT THE GENERAL ELECTIONS.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, the electors of the district of Southwark shall choose four inspectors, and the electors of the township of the Northern Liberties shall choose four inspectors, and the electors of the township of Germantown shall choose one additional inspector, to serve at the general elections, at the same time and places, and in the same manner, as is prescribed by the second section of the act, entitled, "An act to regulate the general elections within this commonwealth,"¹ anything in that or any former law to the contrary in anywise notwithstanding.

Passed March 7, 1800. Recorded L. B. No. 7, p. 129.

CHAPTER MMCXXIII.

AN ACT TO INCORPORATE THE TOWN OF FRANKFORD, IN THE COUNTY OF PHILADELPHIA.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the town of Frankford, in the

¹Passed September 13, 1785, Chapter 1175.

[REDACTED] (SECTION 111, A. 2.) AND BE SO ORDERED
by the authority aforesaid, That all elections to be held in pur-
suance of this act, shall be conducted by three judges, who shall

be elected in the same manner, and at the same place, as the burgesses, assistants and high constable, on the Saturday preceding the election of the said burgesses, assistants and high constable, between the hours of two and six in the afternoon; and each of them shall take an oath or affirmation before entering on the duties in and by this act enjoined, well and faithfully to discharge the same, according to the best of his skill and abilities; and the said judges shall receive and count the votes, and declare the persons duly elected; whereupon duplicate certificates of the persons so elected shall be signed by the judges chosen as aforesaid, one whereof shall be transmitted to the clerk of the court of quarter sessions of the county, within three days after the said election, and the other filed among the records of the corporation.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said burgesses and freemen, duly qualified to elect as aforesaid, and their successors forever hereafter, shall be one body politic and corporate in law, by the name of "The Burgesses and Inhabitants of the Borough of Frankford, in the County Philadelphia;" and shall have perpetual succession; and they and their successors, by the name aforesaid, shall, at all times hereafter, be persons able and capable in law to receive, purchase, or otherwise hold and possess lands, tenements, rents, jurisdictions, liberties, franchises and hereditaments, to them and their successors, in fee simple, or for term of life, lives, years, or otherwise, and also goods and chattels, and all other things of whatsoever kind or nature; and also to give, grant, let, sell and assign the same lands, tenements, goods and chattels, and to do and execute all other things about the same, by the name aforesaid; and they shall forever hereafter be persons able and capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all or any courts within this commonwealth, in all manner of actions, suits, complaints, pleas, causes and matters whatever. And it shall and may be lawful for the said burgesses and inhabitants, and their successors forever, to have and use one common seal, for the sealing of all business touching the said corporation, and the same, from time to time, at their pleasure, to alter, change and make anew.

[Section V.] (Section V, P. L.) At by the authority aforesaid, That the bur- chosen, or a majority of them, who shall ness, shall have full power and authorit nances, rules and regulations (not repug and laws of this commonwealth) as m- proving the streets, lanes and alleys, and of all wells, vaults and sinks for necessa- ough, and the same to annul, alter and may require, and also assess, collect and (not exceeding one cent in the dollar on -county rates, unless a higher tax shall be -of the electors called together for that think best calculated to promote the inte And the said burgesses and assistants m- -officers, as shall be requisite to carry into -visions of this act, and displace them, at -all other powers necessary for the we government of the said borough.

[Section VI.] (Section VI, P. L.) A by the authority aforesaid, That if any -said, shall refuse to serve the office to w -elected, then it shall be lawful for the of ants to appoint such other person or per- -qualified to serve, instead of the person -and may also fill up all vacancies occasi- -nation or removal of any officer, which s- -valid as if the persons had been chosen b- -ough at their annual election; and the s- -empowered and authorized, upon their lawful manner, to remove all nuisances -alleys within the said borough, as they -all fines and forfeitures incurred in p- -under the ordinances of the said burges -be recovered before the burgesses, or eit- -tice of the peace, resident within the s- -of the corporation.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That it shall be lawful for the said burgesses and assistants to appoint three discreet persons, who shall be called regulators, and who, upon application being made to them, shall have power to enter upon the land of any person or persons, in order to mark out the foundations, and regulate the walls to be built between party and party (a stone wall not to exceed nine inches, and a brick wall not more than four inches and an half over the line) as to the breadth or thickness thereof, which foundations shall be equally laid on the lands of the parties between whom such party wall is to be built; and the first builder shall be reimbursed one moiety of the charge of such party wall, or such part thereof as the next builder shall have occasion to occupy before the next builder shall use or break into the said wall, the charge or value whereof to be fixed by the said regulators, or by referees mutually chosen.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons begin to lay the foundation of any party wall or building, unless the other party or parties, being of full age, or if under age, their guardians or representatives, agree and consent thereto, or of any wall fronting on the streets, lanes or alleys, so as to encroach on lines or limits established by the burgesses and assistants aforesaid within the said borough, before the place be viewed and directed by the said regulators, or any two of them, or proceed otherwise than in the manner directed by the said regulators, every such person or persons shall, on conviction, pay a fine not exceeding one hundred dollars, together with costs of prosecution, for the use of the corporation.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall think him, her or themselves aggrieved by the judgment of the burgesses, or any justice, by virtue of this act, or by the direction or order of the regulators, he, she or they may appeal to the next court of quarter sessions to be holden for the said county, who shall finally adjust and settle the same; and the costs of such appeal shall be paid as the court shall direct.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That before any of the said burgesses or assistants, or other officers shall enter upon the duties of their respective offices, they shall take and subscribe an oath or affirmation of allegiance and fidelity, as by the laws of this commonwealth are in such cases made and provided, together with an oath or affirmation for the due execution of their respective offices; and every chief burgess so elected or appointed, from year to year as aforesaid, shall, within ten days after his election, take the oath or affirmation before some justice of the peace for the county aforesaid; and all other officers of the borough may either be qualified as aforesaid before the chief burgess, or before any justice of the county.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the burgesses and assistants of the last year, shall continue to exercise their respective functions for the ensuing year, or until such appointments are legally made, as shall fill up such offices for the remainder of that year, but in order to prevent any neglect of the annual elections, as well as to give opportunity for all the voters to be apprised of the time, it shall be the duty of the burgesses for the time being, or such officer as their future ordinances shall direct, to advertise the same, at least six days before such day of election, and in at least six of the most public places within the said borough.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That so long as the borough of Frankford shall continue to be and remain a part of the township of Oxford, the powers and duties of the supervisors of the highways, overseers of the poor, and constables therein, shall be the same in every respect as heretofore, anything in this act to the contrary notwithstanding.

Passed March 7, 1800. Recorded L. B. No. 7, p. 121.

CHAPTER MMCXXIV.

AN ACT TO ENABLE THE EXECUTORS OF JOHN STEIN, AND THE ADMINISTRATRIX OF SAMUEL M'CAMMON, DECEASED, TO MAKE CERTAIN CONVEYANCES.

Whereas it has been represented to the legislature that John Stein, late of the city of Philadelphia, deceased, being in his life-time seized in his demesne as of fee, of and in a certain lot or piece of land, situate in the township of Upper Merion, in the county of Montgomery, containing about fifty acres, did, by parole contract, agree to sell and convey the same to William Henderson, in fee, for the consideration of the sum of four hundred pounds, which sum has been paid by the said William Henderson, but the said John Stein died before a deed of conveyance was executed for the said land and premises. And whereas Catharine Stein, Abraham Stein and Charles Marquedant, executors of the last will and testament of the said John Stein, deceased, by their petition, pray the legislature to authorize them by law to convey the aforesaid land and premises to the said William Henderson, his heirs and assigns conformably to the said parol contract and as relief cannot be had under the act of assembly, entitled, "An act to enable executors and administrators, by leave of court, to convey lands and tenements contracted for by their decedents, and for other purposes therein mentioned."¹ Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful for Catharine Stein, Abraham Stein and Charles Marquedant, executors of the last will and testament of John Stein, deceased, by leave of court of common pleas of the county of Montgomery,

¹Passed March 31, 1792, Chapter 1618.

common pleas of the county of Huntington, praying leave to
make and execute a deed or deeds to the purchaser or purchasers,

his, her or their heirs or assigns, of any of the lots of ground in the town of Shirleysburg, in the county of Huntingdon, laid out and contracted for the sale of by the said Samuel M'Cammon, in his lifetime, and the said court, having considered the prayer of the said petition, and having examined the contracts, or evidence of contract, either written or parole, whereupon they are founded, and having adjudged the same or any of them to be obligatory between the parties, shall make an order authorizing and empowering the said Christiana M'Cammon to make and execute such conveyance or conveyances, to such purchaser or purchasers, his, her or their heirs or assigns, for such lot or lots in the said town of Shirleysburg, and for such estate or estates, and upon such conditions, reservations, restrictions and remainders, which shall appear to the said court to have been *bona fide* contracted for by the said Samuel M'Cammon, in his lifetime, and the said purchaser or purchasers; and the same being made and executed, and proved or acknowledged, according to law, shall be of the same force and effect to pass and vest the estate intended, of and in the lot or lots aforesaid, with the appurtenances, as if the same had been executed by the said Samuel M'Cammon in his lifetime.

Passed March 12, 1800. Recorded L. B. No. 7, p. 150, etc.

CHAPTER MMCXXV.

AN ACT TO EMPOWER THE COMMISSIONERS OF CHESTER COUNTY, TO SELL CERTAIN LOTS OF GROUND BELONGING TO THE COUNTY, AND ALSO TO PURCHASE, FOR THE USE OF THE COUNTY, A LOT ON THE WEST SIDE OF THE GAOL.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That William Rogers, Evan Evans and

John Menough, junior, con their successors in office, a ground on the west side of t in trust for the county, for a poses as the said commissioner commissioners are further h by deed in fee simple, a lot, north side of the court-house condition and restriction, t signs, shall erect no building but shall permit the same t and the said commissioners hereby further empowered t simple, any other lot or lots the county, on which no p money arising from such sa of the county.

Passed March 12, 1800. F

CHAPT

AN ACT TO AUTHORIZE CHRIS SWATARA CREEK, I.

Whereas it has been repre by petition from a number derry and Hanover townsh Christian Bear is proprietoi uated for water works, adjoi aforesaid, which creek, is by clared to be a public highwa of said creek may be swell to impede the navigation th

authorize him to erect a dam in the said creek, opposite to his land, about half a mile from Hummelstown, he having obtained the consent of Peter Eversoll, the owner of the land on the opposite side of the creek. And whereas it appears to the legislature to be reasonable and proper to grant the prayer of the said petitioners. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the said Christian Bear, his heirs and assigns, and they or either of them are hereby authorized and empowered to erect, support and forever maintain, a mill-dam across Swatara creek, opposite to the plantation of the said Christian Bear, so as to raise the water eighteen inches above the common surface, for the purpose of supplying such mills, or other water works as he or they may think proper to erect thereon.

[Section II.] (Section II, P. L.) Provided always nevertheless, and be it further enacted by the authority aforesaid, That such dam be so constructed and kept in repair, with a proper slope or slopes, and a lock or locks, whereby the navigation of the said creek will not be injured, nor the passage of fish prevented.

[Section III.] And provided also, That the rights of all and every person and persons whomsoever, shall be and remain inviolate, and shall not be affected by this act, and especially that the privileges granted to Adam Hamaker, and the company incorporated for the purpose of opening a canal and lock navigation from Susquehanna to Schuylkill, shall not be impaired or infringed by anything herein contained.

Passed March 12, 1880. Recorded L. B. No. 7, p. 153, etc.

CHAPTER MMCXXVII.

AN ACT VESTING IN THE CORPORATION OF THE CITY OF PHILADELPHIA, FOR THE USE OF THE CITY, A CERTAIN LOT OF GROUND THEREIN DESCRIBED.

Whereas by the second section of an act passed the eighth day of April, one thousand seven hundred and eighty-six, entitled, "An act for directing the sale of such of the city lots as remain the property of the state, and for disposing of the house and lots in High street, in the city of Philadelphia, late the estate of Joseph Galloway, and forfeited to this commonwealth,"¹ the supreme executive council were authorized and required to reserve so many of the public lots, as shall be at least two hundred feet, and not more than four hundred feet square, in such part of the city as they may judge most convenient, to be appropriated as a burial ground for the interment of deceased strangers, and such other persons who may not have been in communion with any religious society at the time of their decease. And whereas, in pursuance of the said act, patents dated December the thirteenth, one thousand seven hundred and ninety, were granted for two lots on the south side of Lombard street, one bounded on the east by Tenth, and on the west by Eleventh street, which has been appropriated as a burial ground, and is now so full that the corporation have thought proper to prohibit future interments therein, the other bounded on the east by Eleventh, and on the west by Twelfth street, having been previously granted by patent to William Adcock and Christian Ritiz, the corporation could not obtain possession of, and of course could not apply to the purpose intended by the act. For remedy whereof:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That all the right and title which the

¹Chapter 1225.

commonwealth has in and to the lot bounded on the east by Ninth street, on the north by Lombard street, on the west by Tenth street, and on the south by ground of Barron and Hurst, be, and the same is hereby, vested in the corporation of the city of Philadelphia, for the purpose of interring deceased strangers.

Passed March 12, 1800. Recorded L. B. No. 7, p. 134.

CHAPTER MMCXXVIII.

A SUPPLEMENT TO THE ACT, ENTITLED, "AN ACT FOR ESTABLISHING A NIGHTLY WATCH, PROVIDING LAMPS, AND SUPPORTING PUMPS FOR PUBLIC USE AT A COMMON CHARGE, WITHIN A CERTAIN PART OF THE TOWNSHIP OF THE NORTHERN [LIBERTIES] OF THE CITY OF PHILADELPHIA."¹

Whereas it has been represented to the legislature, that the "Act for establishing a nightly watch, providing lamps, and supporting pumps for public use at a common charge, in a certain part of the township of the Northern Liberties of the city of Philadelphia," passed the thirteenth day of March, one thousand seven hundred and ninety-one,² is insufficient for its purpose, inasmuch as the tax which the commissioners under that act are authorized to impose, does not produce a sum adequate to pay the necessary expenses of the establishment. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall be lawful for the commissioners appointed under the "Act for establishing a nightly watch, providing lamps, and supporting pumps for public use at a common charge, within a certain part of the township of the Northern Liberties of the city of Philadelphia," or a majority of them, to lay a rate or rates in any one year, not exceeding seven

¹Chapter 1225.

²Chapter 1541.

shillings and six pence in the hundred
[sic] the real and personal estates of
persons residing within that part of the
Liberties of the city of Philadelphia
middle of Fourth street and the river
Vine street and Peg's run, agreeable
raising county rates and levies, to
the true intent and meaning of the act
[Section II.] (Section II, P. L.)
by the authority aforesaid, That so the
act, as is hereby altered and supplied,
repealed and made null and void.

Passed March 12, 1800. Recorded L

CHAPTER MM

AN ACT TO REPEAL THE ACT, ENTITLED,
"TATION OF ACTIONS TO BE BROUGHT
POSSESSION OF REAL PROPERTY, OF
SEMBLY,"¹ IN ALL CASES WHERE TITLE
CLAIMED UNDER THE SUSQUEHANNA
CONNECTICUT.

[Section I.] (Section I, P. L.)
and House of Representatives of the
sylvania, in General Assembly met,
the authority of the same, That the
passed the twenty-sixth day of March
dred and eighty-five, entitled, "An
tions to be brought for the inheritance
property, or upon penal acts of ass
hereby repealed and rendered null and
no force or effect within what is called
in the county of Luzerne, nor in any case where title is, or has

¹Passed March 26, 1785, Chapter 1145.

at any time, been claimed under what is called the Susquehanna Company, or in any way under the state of Connecticut, for any lands or possessions within this commonwealth.

Passed March 11, 1800. Recorded L. B. No. 7, p. 163, etc.

CHAPTER MMCXXX.

AN ACT TO ERECT CERTAIN PARTS OF ALLEGHENY, WESTMORELAND, WASHINGTON AND LYCOMING COUNTIES, INTO SEPARATE COUNTIES.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That those parts of the counties of Allegheny and Washington, included within the following boundaries, viz.: Beginning at the mouth of Big Sewickly creek, on the Ohio river; thence up the said creek to the west line of Alexander's district of depreciation lands; thence northerly along the said line and continuing the same course to the north line of the first donation district; thence westerly along the said line to the western boundary across the Ohio river to a point in the said boundary, from which a line to be run at a right angle [easterly] will strike White's mill on Racoon creek, and from such point along the said easterly line to the said mill, leaving the said mill in the county of Beaver; thence on a straight line to the mouth of Big Sewickly creek, the place of beginning, be, and the same is hereby, erected into a separate county, to be henceforth called Beaver county; and the place of holding the courts of justice shall be at Beavertown, in the said county. And the governor shall, and he is hereby empowered to appoint three commissioners, any two of which shall run and ascertain, and plainly mark, the boundary lines of the said county of Beaver; and shall receive as a full compensation for their services therein, the sum

of two dollars for every mile s
of the moneys which shall be
the county of Beaver.

[Section II.] (Section II,)
by the authority aforesaid, T
county, included within the fo
the mouth of Buffalo creek, on
line running due west until it
thence north by the line of sai
of said county; thence by a li
fourteen miles; thence by a li
said course to where a line ru
of Buffalo creek, the place of b
unless the last mentioned line
river, then and in that case, t
several courses thereof until it
by said line to the place of begi
erected into a separate county
county; and the place of holdin
said county shall be fixed by t
distance not greater than four
county, which may be most bene
county. And the governor shall
to appoint three commissioners,
ascertain, and plainly mark, t
county of Butler; and shall re
their services, the sum of two d
marked, to be paid out of the n
the county uses, within the cou

[Section III.] (Section III,)
by the authority aforesaid, Th
county, which shall be included
viz.: Beginning at the northeast
thence north-eastwardly along th
the corner of the said county of
nango, hereinafter described; thence northerly on a line parallel
to the western boundary of the state to the north line of the fifth
donation district; thence at a right angle along said line west-

wardly to the western boundary of the state; thence southerly along the said boundary to the north-west corner of the county of Beaver; thence easterly along the north boundary of the county of Beaver, to the place of beginning, be, and the same is hereby, erected into a separate county, to be henceforth called Mercer County; and the place of holding the courts of justice in and for the said county shall be fixed by the legislature, at any place at a distance not greater than five miles from the centre of the said county, which may be most beneficial and convenient for the said county. And the governor shall, and he is hereby empowered to appoint three commissioners, any two of which shall run and ascertain, and plainly mark, the boundary lines of the said county of Mercer; and shall receive as a full compensation for their services therein, the sum of two dollars for every mile so run and marked, to be paid out of the monys which shall be raised for the county uses, within the county of Mercer.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That all that part of Allegheny county, which shall be included within the following boundaries, viz.: Beginning at the northeast corner of Mercer county; thence upon a course north forty-five degrees east, till it intersects the north line of the sixth donation district; thence eastwardly along the said line ten miles; thence at a right angle to the said line northerly to the north line of the eighth donation district; thence westwardly along the said line to the western boundary of the state; thence southerly along the said boundary to the north-west corner of Mercer county; thence eastwardly along the north line of Mercer county, to the place of beginning, be, and the same is hereby, erected into a separate county, to be henceforth called Crawford county; and the place of holding the courts of justice in and for the said county shall be at Meadville, provided the inhabitants or proprietors of Meadville, and its vicinity, subscribe and secure the payment of four thousand dollars to the trustees of the county, either in specie, or land at a reasonable valuation, within four months of the passing of this act, for the use of a seminary of learning within said county; and in case of neglect or refusal, the trustees shall, and they are hereby authorized to fix on the seat of justice at any place within four miles

of Meadville. And the governor shall, and he is hereby empowered to appoint three commissioners, any two of which shall run and ascertain, and plainly mark, the boundary lines of the said county of Crawford; and shall receive as a full compensation for their services therein, the sum of two dollars for every mile so run and marked, to be paid out of the moneys which shall be raised for the county uses, within the county of Crawford.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That all that part of Allegheny county, which shall be included in the following boundaries, viz: Beginning at the northeast corner of Crawford county; thence at a right angle [with] the north boundary of the same northerly till it shall intersect the line of the state of New York; thence westwardly along the said line to the south-west corner of the said state; thence northerly by the line of the said state into Lake Erie; thence southwestwardly by the said lake, including so much thereof as is within the jurisdiction of Pennsylvania, until it shall intersect the aforesaid western boundary of the state; thence southerly by the said boundary to the north-west corner of Crawford county; thence along the north line of the said county, to the place of beginning, be, and the same is hereby erected into a separate county, to be henceforth called Erie county; and the place of holding the courts of justice in and for the said county shall be at the town of Erie.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That so much of the counties of Allegheny and Lycoming, as shall be included within the following boundaries, viz.: Beginning at the south-east corner of Crawford county in the north line of the sixth donation district; thence the course of the said line eastwardly across the Allegheny river, until it shall intersect the line dividing Johnston's and Potter's districts, in the county of Lycoming; thence northerly along the said line to the line of the state of New York; thence westwardly along the line of the said state to the corner of Erie county; thence southerly by the eastern boundaries of the counties of Erie and Crawford, to the place of beginning, be, and the same is hereby, erected into a separate county, to be henceforth

called Warren County; and the place of holding the courts of justice within the said county shall be at the town of Warren, in the said county. And the governor shall, and he is hereby empowered to appoint three commissioners, any two of which shall run and ascertain, and plainly mark, the boundary lines of the said county of Warren; and shall receive as a full compensation for their services therein, the sum of two dollars for every mile so run and marked, to be paid out of the moneys which shall be raised for the county uses, within the county of Warren.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That so much of the counties of Allegheny and Lycoming, as shall be included within the following boundaries, viz.: Beginning at the northeast corner of Mercer county; thence on the first line or course of Crawford county until it shall intersect the north line of the sixth donation district, being the same as the first line of the said county of Crawford; thence eastwardly upon the said line of the sixth donation district, along the boundary of the counties of Crawford and Warren, and crossing the river Allegheny to the line dividing Wood's and Hamilton's districts, in the county of Lycoming; thence southerly along the said line to Toby's creek; thence down the said creek to the river Allegheny; thence across the said river, and upon the line of Armstrong county hereinafter described, to the north-east corner of the county of Butler; thence westwardly by the north line of the said county to the corner of Mercer county; thence northerly along the line of Mercer county, to the place of beginning, be, and the same is hereby, erected into a separate county, to be henceforth called Venango County; and the place of holding the courts of justice in and for the said county shall be at the town of Franklin, in the said county. And the governor shall, and he is hereby empowered to appoint three commissioners, any two of which shall run and ascertain, and plainly mark, the boundary lines of the said county of Venango; and shall receive as a full compensation for their services therein, the sum of two dollars for every mile so run and marked, to be paid out of the moneys which shall be raised for the county uses, within the county of Venango.

[Section VIII.] (Section VIII, enacted by the authority aforesaid, ties of Allegheny, Lycoming and Westmoreland included within the following boundaries: Allegheny river, at the mouth of Butler county; thence northerly along of Butler to the north-east corner at the Allegheny river, and if the county of Butler shall not strike the said corner, on a line at a right angle to the county of Butler, until the said Allegheny river; thence by the western margin of the mouth of Toby's creek; thence along said creek to the line dividing Westmoreland and Lycoming counties; thence southerly along the said line to the mouth of Kiskiminitas river; thence south to the mouth thereof, on the Allegheny river; thence westwardly along the westwardly margin thereof; thence to the mouth of Buffalo creek, the corner of beginning, be, and the same is hereby called the county of Armstrong, to be henceforth called Armstrong county, of holding the courts of justice in and about the same, to be fixed by the legislature, on the said line, at a distance not greater than five miles from the nearest town, which may be most beneficial to the people. And the governor shall, and he is authorized to appoint three commissioners, any two of whom shall plainly mark the boundary lines of the said county, and shall receive as a full compensation, in, the sum of two dollars for every day they shall be employed, to be paid out of the moneys which shall be appropriated for that use, within the county of Armstrong, for the convenience of the inhabitants of the said county. And until an enumeration of the taxable inhabitants shall be made, and it shall be otherwise directed by law, the said county of Armstrong shall be, and the same is hereby, annexed to the county of Westmoreland; and the jurisdiction of the

several courts of the county of Westmoreland, and the authority of the judges thereof; shall extend over and shall operate and be effectual within the said county of Armstrong. And that part of Armstrong county westwardly of the Allegheny river, shall form an election district; and the inhabitants thereof shall hold their elections at the house now occupied by John Smith, Esquire. And the inhabitants of that part of the county of Butler, within Elder's district of depreciation lands, who heretofore held their elections at the town of Freeport, shall be annexed to the district known by the name of M'Clure's district, and vote with the inhabitants thereof, at the house now occupied by Andrew M'Clure. And the inhabitants of that part of Butler county, included in any of the donation districts, who heretofore held their elections at the town of Freeport, shall be annexed to what is called Buchannan's district, and vote with the inhabitants thereof.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the commissioners to be appointed in conformity to this act to run, ascertain and mark the boundary lines of the counties contained in this act, are hereby enjoined and required to run and mark the boundary lines of said counties on or before the fifteenth day of June next. And the assistants to be appointed by the commissioners to take the enumeration of the taxable inhabitants, included in the bounds in any of the counties aforesaid, shall make a separate and accurate return of all the taxable inhabitants included in the bounds of each county, agreeably to law. And for the present convenience of the inhabitants, until an enumeration of the taxable inhabitants within the aforesaid counties, respectively, shall be made, and it shall be otherwise directed by law, the counties of Beaver and Butler shall remain with the county of Allegheny, and be a part thereof, as heretofore, and the authority of the judges thereof shall continue over the same. And the counties of Crawford, Mercer, Venango, Warren and Erie shall form one county, under the name of Crawford county, and the inhabitants thereof shall enjoy all and singular the jurisdictions, powers, rights, liberties and privileges whatsoever, within the same, which the inhabitants of other counties of this state do, may or ought to enjoy

within their respective counties, and under the laws and regulations shall, at the ensuing general and county elections, elect such officers as they by law and the constitution are authorized to do; and the sheriffs, treasurers, and all such officers, before they enter upon the execution of their respective offices, shall give sufficient security in the like sums, in the like manner and for the like uses, trusts and purposes, as they are obliged by law, for the time being, to do in the like cases.

[Section X.] (Section X, P. L.) And be it enacted by the authority aforesaid, That the judges of the first and the president of the fifth district, of which counties of Crawford is hereby declared to be part, shall be associate judges, who shall be commissioned as such judges of the county of Crawford, shall have like powers, jurisdictions and authorities within the same, as are warranted to the judges in other counties, by the constitution of this state.

[Section XI.] (Section XI, P. L.) And be it enacted by the authority aforesaid, That no action or suit commenced, or that may be commenced before the first day of January next, within any of the counties of Westmoreland, Allegheny or Lycoming, against any person or persons residing within their present respective bounds, shall be stayed, discontinued or affected by this act, but the same may be prosecuted and executed, with the like effect and in the same manner as if this act had not passed.

[Section XII.] (Section XII, P. L.) And be it enacted by the authority aforesaid, That until the year one thousand eight hundred and twenty-five, the taxable inhabitants shall be made within the several counties, respectively, and it shall be otherwise by law, the inhabitants of the counties of Allegheny, Beaver, Butler, Mercer, Crawford, Erie, Warren and Venango, shall jointly

elect two representatives to serve in the house of representatives of this state, in the same manner, and under the same regulations, as is directed by the existing laws of this state, for conducting and making return of the election of Allegheny. And the said counties, together with the counties of Washington and Greene, shall continue to be a district for the election of senators as heretofore; and the inhabitants of the county of Armstrong, shall jointly with the county of Westmoreland, elect three representatives, and be also annexed to the same district as the said county of Westmoreland, for the election of state senators and representatives in congress. And that part of Washington county which by this act is annexed to the county of Beaver, shall, for the present, and until it shall be otherwise directed by law, be annexed to, and is hereby declared to be part of Allegheny county, and be subject to the jurisdiction of the several courts of the said county of Allegheny. And the inhabitants included within the following bounds, viz.: Beginning at the south branch of Tomlinson's run on the state line; thence by a straight line to Parkinson's, on the road from Georgetown to White's mill; thence by a straight line to the Ohio river, opposite to the mouth of Wolf run; thence across said river up Wolf run to the head of the north-west branch thereof; thence by a straight line to Ruel Reed's; thence west to the state line; thence by said line to the beginning, shall be a separate election district; and the electors thereof shall hold their elections at the house now occupied by Samuel Lyon, in Georgetown; and the inhabitants of that part formerly Washington, now Beaver county, not included in the aforesaid district, shall be annexed to the election district which is held at the house of Samuel Wilson. And the inhabitants of such parts of the counties of Beaver and Mercer, as are comprehended within the first and second districts of donation lands, shall be a separate election district, and hold their elections at the house now occupied by John Elliott; and the inhabitants of that part of Mercer county, as are comprehended within the third, fourth and fifth districts of donation lands, shall be a separate election district, and hold their

elections at the house now occupied by Benjamin St the said district, anything in any former law to the notwithstanding.

[Section XIII.] (Section XIII, P. L.) And be ther enacted by the authority aforesaid, That as soon appear, by an enumeration of the taxable inhabitants v counties of Beaver, Butler, Mercer, Crawford, Erie, We nango and Armstrong, that any of the said counties, to the ratio which shall then be established for app the representation among the several counties of this wealth shall be entitled to a separate representation, shall be made by law for apportioning the said re tion, and enabling such county to be represented s and to hold the courts of justice at such place in county as is, or hereafter may be fixed for holding by the legislature, and to choose their county officers, in ner as in the other counties of this commonwealth. nevertheless, That if all the counties at present comp county of Crawford shall, upon such enumeration, ap entitled to choose one or more representatives, then ar case provision shall be made by law, apportioning the tation, and allowing the said county of Crawford to sented separately from the county of Allegheny, notwit any one of the said counties now composing the county ford, may not be entitled to a separate representation.

[Section XIV.] (Section XIV, P. L.) And be enacted by the authority aforesaid, That it shall and m ful for the county commissioners of the county of Craw shall be elected at the next annual election, to take to them and their successors in office, of such lot or ground as shall be approved of by them, for the purpos ing thereon a court house, gaol and offices for the sai of the records; and that for defraying the expenses th county commissioners shall assess and levy, in the n rected by the act for raising county rates and levies, exceeding five thousand dollars in any three years; a Meade, Frederick Hamaker and James Gibson, are t pointed trustees for the said county of Crawford, with full au-

thority for them, or a majority of them, to purchase, or take and receive by grant, bargain or otherwise, all such assurances for the payment of money and grants of land, or other property, that may be offered to them, or the survivors or survivor of them, in trust for the use and benefit of said county, and to sell and convey such part thereof, either in town lots or otherwise, as to them or a majority of them shall appear advantageous and proper, and to vest one moiety of the net proceeds thereof in some productive property, to be a fund for the support of an academy or public school, at the county town in the said county, and to apply the other moiety thereof in aid of the county rates and levies, for the purpose of erecting the public buildings aforesaid. And Jonathan Coulter, Joseph Hemphill and Denny M'Lure, are hereby appointed trustees for the county of Beaver, and Judah Colt, Thomas Rees and John D. Hay, for the county of Erie, and William Miles, Thomas Miles and John Andrews, for the county of Warren, and George Fowler, Alexander M'Dowell and James M'Clarion, for the county of Venango, with like powers and authorities, and for the same trusts and purposes within their counties respectively; and Adiel M'Lure, James Amberson and William Elliott, are hereby appointed trustees for the county of Butler, and Benjamin Stokely, William M'Millan and John Williamson, for the county of Mercer, and John Craig, James Sloan and James Barr, for the county of Armstrong, who shall receive proposals, in writing, from any person or persons, or any bodies corporate or politic, for the grant or conveyance of any lands within the said counties respectively, and within the limits of this act, for fixing the place of holding courts of justice in the said counties respectively; and when the place for holding the courts of justice in the said counties, respectively, shall be fixed by the legislature, to take assurances in the law for the lands contained in any such proposal, which shall or may be accepted of, under the same trusts, and for the same uses and benefits, within the said counties respectively, as are before declared with respect to the county of Crawford.

[Section XV.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That whenever the boundary lines of any of the said counties shall be the boundary lines of the state,

the said lines being already known as not be run by any of the commissic and when any line shall be run and any of the commissioners, which st between two counties, the said line sh but the commissioners who shall fi said service shall be entitled to the c shall in such cases be paid equally t the said line, unless it should happ ton, Allegheny, Westmoreland or I

[Section XVI.] (Section XVI, 1 enacted by the authority aforesaid, the county of Allegheny shall have p ized to assess and levy county rates and purposes, in the counties of Bea missioners of Crawford shall have p ized to assess and levy county rates and purposes, in the counties of Me nango; and the commissioners of power, and are hereby authorized to and levies, for county uses and purj strong; and the said commissioners ties of Allegheny, Westmoreland s shall open an account for each count levies shall be raised and collected. [out of the moneys raised and colle tively] all the expenses of assessing same therein, together with the exp dary lines, and the expenses of igno of prosecution, chargeable to the cou against persons residing and inhabit tively, and also all rewards for wolf for which a reward is or shall be gi said counties, respectively; and tha thereof shall be applied to and for th the same shall be raised. That all t or shall be assessed for the current y

Allegheny county, in that part now struck off and included within the lines of the several counties now formed, shall be and remain for the use of the county in which such sum is or shall be assessed.

[Section XVII.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That the governor is hereby empowered to direct the surveyor general to cause to be laid off by actual survey, out of the reserved tract adjoining the town of Beaver, the quantity of five hundred acres of land, for the use of such school or academy, as may hereafter be established by law in the town of Beaver, which survey shall be returned to the office of the surveyor general, and a patent shall thereupon issue to the trustees of the county of Beaver and their successors, for the said quantity of five hundred acres, so surveyed and laid off for the use and trust aforesaid.

Passed March 12, 1800. Recorded L. B. No. 7, p. 137, etc.

CHAPTER MMCXXXI.

AN ACT DECLARING THE POWER AND AUTHORITY GIVEN BY ANY LAST WILL AND TESTAMENT TO EXECUTORS TO SELL AND CONVEY REAL ESTATES, TO BE AND REMAIN IN THE SURVIVORS OR SURVIVOR OF THEM, UNLESS OTHERWISE EXPRESSED IN THE WILL OF THE TESTATOR, AND FOR OTHER PURPOSES THEREIN MENTIONED.

Whereas doubts have arisen in the construction of those existing laws of this commonwealth, which relate to the power which executors and administrators, with the will annexed, have to sell and convey the estates of their testators. And whereas the importance of the subject requires that those laws should be so explained and amended, that persons appointed to execute the last wills and testaments of decedents may know the extent of their powers, and be enabled fully to execute their respective trusts. Therefore:

[Section I.] (Section I, P. and House of Representatives sylvania, in General Assembly the authority of the same, Tl have devised, or may hereafter part thereof, to their executors and directed, or may hereafter direct, such real estate declaring who shall sell the same, if the executor is or are since dead, or shall be lawful for the surviving executor for the recovery of possession thereon, to sell and convey the same, for the benefit of the estate fully and completely as he, she or their co-executor or co-executrix if he, she or they were still living.

[Section II.] (Section II, by the authority aforesaid, Tl devises have been or shall be given, if one or more executors refuse to renounce, it shall and may be lawful for the surviving executor, to sell and convey the same respecting the same, as fully and completely together with such refusing or refusing would be empowered to do, if renounced.

[Section III.] (Section III, by the authority aforesaid, Tl said have been or shall be given, such executor or executrix die, or have refused, or shall refuse, or shall renounce, and letter annexed, have been or shall be lawful for such administrator or executrix, to sell and convey such

specting the same, as fully and completely as if such deceased, refusing or renouncing executor or executors, might or could have done, were he, she or they still living, or had he, she or they accepted the execution of the last wills and testaments of such testators, or had not renounced.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That if, where such devises as aforesaid have been made, or shall be made, or authorities and directions given, such executor or executors shall have been, or hereafter may be dismissed, or otherwise discharged, the executor or executors remaining, shall have like power to sell and to execute the said trust and authorities, as fully and amply as if all of the executors named had joined therein; or if all the executors have been or hereafter shall be dismissed, or the letters testamentary have been or shall be in any case vacated, and new letters awarded, it shall and may be lawful for the administrators, with the will annexed, or the administrator *de bonis non*, or other person or persons to whom letters of administration shall legally issue, to sell and to execute the said powers and authorities mentioned and contained in any last will and testament, as fully and amply as if all the executors named had joined therein.

[Section V.] (Section V, P. L.) Provided always, and be it further enacted by the authority aforesaid, That nothing in this act shall be deemed or taken to prevent any testator, from directing by his or her last will and testament, otherwise than is herein declared and enacted.

Passed March 12, 1800. Recorded L. B. No. 7, p. 160, etc.

CHAPTER MMCXXXII.

AN ACT TO EXTEND THE TIME LIMITED BY THE ACT, ENTITLED, "AN ACT FOR THE LIMITATION OF ACTIONS TO BE BROUGHT FOR THE INHERITANCE OR POSSESSION OF REAL PROPERTY, OR UPON PENAL ACTS OF ASSEMBLY."

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor be, and he is hereby, authorized and required to draw his warrant on the treasurer of this commonwealth, in favor of the trustees of Canonsburg academy, for the sum of one thousand dollars, for the purpose of enabling the said trustees to purchase a suitable library, for the use of said institution, and establish a fund for the education of a number of poor children, as is hereinafter directed, which warrant the said treasurer is hereby authorized and required to pay out of the funds appropriated for the support of government.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That there shall be admitted into said academy, any number of poor children who may at any time be offered, in order to be taught gratis. Provided the number so admitted and taught, shall at no time be greater than two, and that none of the said poor children shall continue to be taught gratis in said academy longer than two years.

Passed March 13, 1800. Recorded L. B. No. 7, p. 158, etc.

CHAPTER MMCXXXIV.

AN ACT TO APPROPRIATE A SUM OF MONEY FOR OPENING THE ROAD FROM M'CONNELLSBURG, IN BEDFORD COUNTY, TO THE STATE ROAD NEAR THE TOP OF RAY'S HILL.

Whereas it appears to the legislature of this commonwealth, that that part of Bedford county lying between the Franklin county line and Ray's hill, is mountainous, and the inhabitants thereof so thinly settled as to render them unable by townshp taxation, to open and support the roads therein, indispensably necessary for their convenience and the accommodation of travelers. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor of this commonwealth is hereby authorized and required to draw his warrant on the treasurer of Franklin county, in favor of such commissioners as he shall appoint, for the purposes in this act mentioned, for the sum of six hundred dollars, which sum shall be paid out of the arrearages of taxes due by the said county of Franklin to this commonwealth; and the treasurer aforesaid shall have credit on the books of the comptroller general, for such sum or sums as he shall pay on said warrants.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the governor is hereby authorized and required to appoint three commissioners, to execute the purposes contained in this act, who, or any two of them, are hereby authorized and required to lay out and mark such parts of the road from M'Connellsburg, in Bedford county, to the state road near the top of Ray's hill, as are least inhabited, and most in need of repair, and on behalf of this commonwealth to contract with, and take security of such person or persons as they, or any two of them, shall elect to open, dig and bridge the said road, according to the true intent and meaning of this act.

Passed March 13, 1800. Recorded L. B. No. 7, p. 156, etc.

CHAPTER MMCXXXV.

A SUPPLEMENT TO THE ACT, ENTITLED, "AN ACT FOR RAISING, BY WAY OF LOTTERY, A SUM NOT EXCEEDING TEN THOUSAND DOLLARS, FOR THE PURPOSE OF COMPLETING THE BUILDING OF THE ROMAN CATHOLIC CHURCH OF SAINT AUGUSTIN, IN THE CITY OF PHILADELPHIA."

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by

the authority of the same, That, in addition to the commissioners appointed by the act, entitled, "An act for raising, by way of lottery, a sum not exceeding ten thousand dollars, for the purpose of completing the building of the roman catholic church of Saint Augustin, in the city of Philadelphia," passed the fourth day of April, one thousand seven hundred and ninety-nine,¹ Edward Carrell, John Taggard and Thomas Shortall, be, and they are hereby, appointed commissioners, who, in common with the commissioners already apointed shall take the same [qualification, have the same powers], and be subject to the same duties, as are prescribed by the before recited act; and the presence of any two of the six commissioners shall be necessary to every day's drawing of the said lottery.

Passed March 13, 1800. Recorded L. B. No. 7, p. 157, etc.

CHAPTER MMCXXXVI.

AN ACT TO EXTEND THE ACT, ENTITLED, "A SUPPLEMENT TO AN ACT FOR ESTABLISHING AN EXPLICIT FEE BILL."¹

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the supplement to the act, entitled, "An act for establishing an explicit fee bill,"² passed on the sixteenth of March, one thousand seven hundred and ninety-eight, and all things therein contained, be, and the same is hereby, extended and rendered perpetual.

Passed March 15, 1800. Recorded L. B. No. 7, p.

¹Chapter 2048.

¹Passed March 16, 1798, Chapter 1978.

²Passed April 20, 1795, Chapter 1865.

CHAPTER MMCXXXVII.

AN ACT TO EXTEND THE TIME FOR PATENTING LANDS.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the act, entitled, "An act to extend the time for patenting lands," passed on the twenty-first day of March, one thousand seven hundred and ninety-two,¹ and all matters and things therein contained, shall be, and the same is hereby, further extended to the first day of January, in the year one thousand eight hundred and two, and from thence to the end of the next session of the general assembly.

Passed March 15, 1800. Recorded L. B. No. 7, p.

CHAPTER MMCXXXVIII.

A SUPPLEMENT TO "AN ACT FOR OFFERING COMPENSATION TO THE PENNSYLVANIA CLAIMANTS OF CERTAIN LANDS WITHIN THE SEVENTEEN TOWNSHIPS, IN THE COUNTY OF LUZERNE, AND FOR OTHER PURPOSES THEREIN MENTIONED."

Whereas by the third section of the act to which this is a supplement, it was provided and directed that the claims and vouchers of the Pennsylvania claimants "shall be submitted to the register general and comptroller general, to issue and deliver to such claimants certain certificates therein specified, and the comptroller general was thereby authorized and directed to issue, alter and renew such certificates." And whereas, by the con-

¹Chapter 1609.

²Passed April 4, 1799, Chapter.2053.

struction put upon the said section, it is doubted whether the register general is authorized to sign the said certificates, and it is manifestly proper that such a power should be given. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from henceforth the register general shall be, and he is hereby, authorized and directed to sign all certificates to be issued by the comptroller general and register general, or either of them, in pursuance of the act to which this is a supplement, and no such certificate shall be lawful, or the evidence of any property or right in the holder of it, or other person, unless signed by the said register general.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That when the said certificates, or any of them, shall be paid and delivered into the land office, or otherwise discharged and redeemed, the same shall be delivered to the comptroller general, who shall immediately cancel the same by piercing holes through the said certificates, of at least an inch in diameter, by an instrument containing such device as the said comptroller general and register-general shall agree upon; and the said certificates, being so canceled, shall be filed by the said comptroller general in his office, subject to the future disposition of the legislature.

(Section III, P. L.) Whereas by the fourth section of said act, the time limited for the Pennsylvania claimants to file their application expired on the fourth day of October last, and owing to the calamity that prevailed in the city of Philadelphia, several citizens were prevented from presenting their claims. For remedy whereof,

[Section III.] Be it further enacted by the authority aforesaid, That the board of property be, and they are hereby, authorized to receive any applications that may be made by the Pennsylvania claimants, on or before the first day of October next, on the same conditions and for the same purposes, as directed in the fourth section of said act; and all Pennsylvania claimants

filing their claims as above directed, and otherwise complying with the terms and stipulations of said act, shall be entitled to all the advantages and benefits contemplated by the said act, to which this is a supplement.

Passed March 15, 1800. Recorded L. B. No. 7, p. 176.

CHAPTER MMCXXXIX.

AN ACT TO AUTHORIZE ISAAC MEASON AND ZACHARIAH CONNELL, THEIR HEIRS AND ASSIGNS, TO ERECT, BUILD AND MAINTAIN A TOLL BRIDGE ACROSS THE YOUGHIOGHENY RIVER, AT CONNELLSVILLE, IN FAYETTE COUNTY.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful for Isaac Meason and Zachariah Connell, their heirs or assigns, to erect, build, support and maintain a good and substantial bridge over and across the Youghiogheny river, at Connellsville, near where the great road leading from Philadelphia to Uniontown crosses said river, and that the property of the said bridge, when built, shall be, and the same is hereby, vested in the aforesaid Isaac Meason and Zachariah Connell, their heirs and assigns forever; and that the said Isaac Meason and Zachariah Connell, their heirs or assigns, may demand and receive toll from travelers and others, not exceeding the following rates, viz.: For every coach, landau, chariot, phaeton, chair or other pleasurable carriage, for each horse drawing the same, fifteen cents; for every loaded wagon or cart, for each horse drawing the same, twelve and a half cents; for the same carriages when empty, for each horse drawing the same, nine cents; for every sleigh or sled when loaded, ten cents for each horse drawing the same; for the same when empty, seven cents for each horse drawing the same; for every single horse and rider, six cents; for every horse or

mule, with their burden or load, four cents; for every horse or mule, without a load or burden, three cents; for every foot passenger, one cent; for each head of horned cattle, two cents; for each sheep or swine, one cent; and for all carriages, which shall be drawn by oxen, or partly by oxen and partly by horses, two oxen shall be estimated as equal to one horse in charging all the aforesaid respective tolls, and each mule as equal to one horse. Provided always nevertheless, That nothing in this act contained shall extend to authorize the said Isaac Meason and Zachariah Connell, their heirs or assigns, to erect or build a bridge in the manner in this act before mentioned, on any private property, without consent of the owner or owners thereof, or to erect the same in such manner as in any way to interrupt or injure the navigation of said river, or the passage over the ford across the same, near where the said bridge may be erected.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That all poor persons, or who may be exempted from paying of county rates and levies, shall have liberty to pass and repass over and across said bridge toll free.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the said Isaac Meason and Zachariah Connell, their heirs and assigns, every third year from and after completing the said bridge, shall lay before the court of quarter sessions of the proper county, an abstract of their accounts, including the capital expended, and of the income and profits of the same; and if it shall appear to the said court, at the end of either of the said triennial periods, that the profits shall have exceeded twenty *per centum per annum* on the capital so expended, the toll shall then be reduced so that the clear profits shall not exceed twenty *per centum per annum* on the capital stock expended thereon.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That if the said Isaac Meason and Zachariah Connell, their heirs and assigns, shall not proceed to carry on the said work within one year from and after the passing of this act, or shall not within three years complete the same, according to the true intent and meaning of this act, then and in either of those cases, all and singular the rights, liberties, privi-

leges and franchises hereby granted and Zachariah Connell, their heirs and assigns, in and to this commonwealth.

[Section V.] (Section V, P. L. 1800) by the authority aforesaid, That in and to the presence with the commissioners of said county, that the said bridge should become the property of the said county, together with said Isaac Meason and Zachariah Connell, shall proceed to estimate the value of the said Isaac Meason and Zachariah Connell's assigns, have in said bridge; and the same value of them shall be laid before the next court of the said county, and if the court approve the same, the said Isaac Meason and Zachariah Connell, shall draw their warrant in favor of the said Isaac Meason and Zachariah Connell, their heirs and assigns, and the said county, for the amount of the said value, and if payment or tender thereof, the said Isaac Meason and Zachariah Connell, but if the said Isaac Meason and Zachariah Connell, and assigns, shall at any time, on neglect to choose three persons, in and to the presence of the said commissioners may proceed to the said estimation, and the same proceedings as in and to the presence of the said Isaac Meason and Zachariah Connell, their heirs and assigns, had chosen three persons in and to the presence of the said commissioners.

[Section VI.] (Section VI, P. L. 1800) by the authority aforesaid, That in and to the presence of the said Zachariah Connell, their heirs and assigns, the said bridge in good and perfect order, and information thereof, of three days, and information thereof, of the peace within said county, precept, directed to any constable, three judicious freeholders, to meet in and to the presence of the said precept to be mentioned, at the [said] notice shall be given unto the said Zachariah Connell, their heirs and assigns, and the said justice

shall at such time and place, by the oaths or affirmations of the said freeholders, inquire whether the said bridge is in such [good and perfect] order and repair as aforesaid; and if the said bridge shall be found by the said inquisition, or a majority of them, to be out of order and repair, according to the true intent and meaning of this act, he shall certify the same, and send a copy thereof to the said Isaac Meason and Zachariah Connell, or either of them, their heirs or assigns, and from thenceforth the said tolls hereby granted shall cease to be demanded, paid or collected, until the said defective part or parts of the said bridge shall be put in good and perfect order and repair as aforesaid.

Passed March 15, 1800. Recorded L. B. No. 7, p. 165, etc.

CHAPTER MMCXL.

A SUPPLEMENT TO AN ACT, ENTITLED, "AN ACT ERECTING PART OF THE COUNTY OF YORK INTO A SEPARATE COUNTY."¹

Whereas by the twelfth section of the act to which this is a supplement, the Reverend Alexander Dobbin and David Moore, are appointed trustees to receive and enforce the payment of money secured for the purpose of erecting the public buildings in the county of Adams, in consequence of which appointment, considerable sums of money will be due and payable to the said trustees in the course of the ensuing summer. And whereas there are no person or persons authorized or appointed to proceed to erect the said buildings. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful for William M'Clellan, Henry Hoke and William Hamilton, or any two of them, to contract for a lot or lots of ground, in a suitable

¹Passed January 22, 1800, Chapter 2097.

and convenient situation in the town of Adams, for the use of the county, and thereupon to erect a prison, sufficient to accommodate the county; and the said William McWilliam and William Hamilton are hereby authorized to provide the materials necessary for the house and prison, and to commence the same as early as possible in the ensuing spring.

[Section II.] (Section II, P. I.)
by the authority aforesaid, That Henry Hoke and William Hamilton be and they are hereby authorized to be trustees aforesaid, and also upon and from time to time, for such sum of money as they may have occasion for to effect the purpose of the warrant or warrants, drawn upon the county, not exceed the amount of three thousand dollars, signed by the said William Hamilton, or any two of the said trustees and treasurer in the presence of the said trustees.

[Section III.] (Section III, P. I.)
by the authority aforesaid, That Henry Hoke and William Hamilton be and they are hereby enjoined to lay before the commissioners of the county annually, when thereunto required, a statement of the disbursements or expenditures for the building, and on account of the buildings, fully completed. And the said William Hamilton and William Hamilton, having finally settled, shall be allowed five *per centum* on all the money so expended in execution thereof, for their services and attention to the same.

Passed March 15, 1800. Recorded

shall at such time and place, by the oaths or affirmations of the said freeholders, inquire whether the said bridge is in such [good and perfect] order and repair as aforesaid; and if the said bridge shall be found by the said inquisition, or a majority of them, to be out of order and repair, according to the true intent and meaning of this act, he shall certify the same, and send a copy thereof to the said Isaac Meason and Zachariah Connell, or either of them, their heirs or assigns, and from thenceforth the said tolls hereby granted shall cease to be demanded, paid or collected, until the said defective part or parts of the said bridge shall be put in good and perfect order and repair as aforesaid.

Passed March 15, 1800. Recorded L. B. No. 7, p. 165, etc.

CHAPTER MMCXL.

A SUPPLEMENT TO AN ACT, ENTITLED, "AN ACT ERECTING PART OF THE COUNTY OF YORK INTO A SEPARATE COUNTY."¹

Whereas by the twelfth section of the act to which this is a supplement, the Reverend Alexander Dobbin and David Moore, are appointed trustees to receive and enforce the payment of money secured for the purpose of erecting the public buildings in the county of Adams, in consequence of which appointment, considerable sums of money will be due and payable to the said trustees in the course of the ensuing summer. And whereas there are no person or persons authorized or appointed to proceed to erect the said buildings. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful for William M'Clellan, Henry Hoke and William Hamilton, or any two of them, to contract for a lot or lots of ground, in a suitable

¹Passed January 22, 1800, Chapter 2097.

and convenient situation in the town of Gettysburg, in the said county of Adams, for the use of the inhabitants of the said county, and thereupon to erect and build a court-house and prison, sufficient to accommodate the public service of said county; and the said William M'Clellan, Henry Hoke and William Hamilton are hereby authorized and directed to procure and provide the materials necessary for building the said court-house and prison, and to commence the building of the same, as early as possible in the ensuing summer.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the said William M'Clellan, Henry Hoke and William Hamilton, or any two of them, shall be and they are hereby authorized to draw their warrants on the trustees aforesaid, and also upon the treasurer of said county, from time to time, for such sum or sums of money as they may have occasion for to effect the purposes aforesaid. Provided such warrant or warrants, drawn upon the treasurer aforesaid, do not exceed the amount of three thousand dollars; all which warrants, signed by the said William M'Clellan, Henry Hoke and William Hamilton, or any two of them, shall be allowed to the said trustees and treasurer in the settlement of their accounts.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the said William M'Clellan, Henry Hoke and William Hamilton shall, and they are hereby enjoined to lay before the commissioners of the said county, annually, when thereunto required, a just and true account of their disbursements or expenditures for materials, work and labor, for and on ac[count] of the buildings aforesaid, until they may be fully completed. And the said William M'Clellan, Henry Hoke and William Hamilton, having finished the said buildings, shall be allowed five *per centum* on all the money they may have necessarily expended in execution thereof, in full compensation for their services and attention to the said business.

CHAPTER MMCXLI.

AN ACT VESTING ONE OF THE CITY LOTS THEREIN MENTIONED IN TRUSTEES, FOR THE USE OF THE FOURTH PRESBYTERIAN CHURCH, IN THE CITY OF PHILADELPHIA.

Whereas the trustees of the Fourth Presbyterian church, in the city of Philadelphia, presented a petition to the legislature, setting forth their inability to purchase a lot of ground to build a church on, and in which to inter their dead, and praying the aid of the legislature by granting one of the city lots, the property of this commonwealth, for the purposes aforesaid. And whereas it is but just and right to promote the cause of religion, and that the virtuous citizens of this commonwealth should have the encouragement of the legislature. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That all the right, title and interest of this commonwealth, to the city lot bounded east by Twelfth street, north by Lombard street, west by Thirteenth street, and south by land of Amos Wickersham and Richard Price, containing east and west three hundred and ninety-six feet, and in length or depth north and south seventy-eight feet, shall be, and hereby is, vested in the trustees of the Fourth Presbyterian Church and their succeccors forever, to and for the sole purpose of building a church thereon, and for the interment of their dead therein, and for no other use, intent or purpose whatsoever.

Passed March 15, 1800. Recorded L. B. No. 7, p. 180.

at any time hereafter be afflicted by any infectious or contagious fever, the judges of the supreme court, or any two of them, be, and they are hereby, authorized to hold the terms in any convenient place, in any county in the state, for the purpose of hearing law arguments, and receiving the returns of the different sheriffs, and deciding on more legal questions.

Passed March 15, 1800. Recorded L. B. No. 7, p.

CHAPTER MMCXLIV.

A FURTHER SUPPLEMENT TO THE ACT, ENTITLED, "AN ACT TO PREVENT THE EXPORTATION OF BREAD AND FLOUR NOT MERCHANTABLE, AND FOR REPEALING, AT A CERTAIN TIME, ALL THE LAWS HERETOFORE MADE FOR THAT PURPOSE."¹

Whereas flour made of rye and Indian corn, having become considerable articles of exportation, it is necessary to subject them to inspection, in order to establish their reputation abroad. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the first day of September next, all flour made of rye or Indian corn, which shall be brought to any port or place within this state for exportation, shall be packed in casks made of good seasoned materials, of the like dimensions and hooped, nailed and branded with the brand of the miller or bolter, and with the number of the cask, and with the weight of the flour therein, in like manner as in and by the above recited act, and the several supplements thereto, is directed (except as to the casks number one, mentioned in the above recited act to which this is a supplement) and under the like penalties and forfeitures as are therein specified, as to the flour called merchantable; and moreover each cask shall have

¹Passed April 5, 1781, Chapter 936.

the tare or weight of the cask marked with the words rye flour, or kiln- the contents may be, in a fair and it leaves the mill or bolting-house first packed. And that, from and her next, no merchant or other person ship any flour made of rye or Indian vessel for exportation out of this offered to the view and examination or place from whence the same shall and before the [same] shall be judged by the said inspector, or other persons to be appointed by one of by the said recited act directed, a of a due degree of fineness, and of merchantable, and the said inspector search the same, and plug up the h manner, and shall receive the salary is directed concerning merchantable

[Section II.] (Section II, P. 1 by the authority aforesaid, That if or the three persons to be appointed said, shall adjudge and determine or Indian corn, so to be branded, s of a quality in all respects fit to he or they shall cause the said rye corn meal, so branded, to be sealed the person or persons offering or exportation, shall pay for the inspection as if the same had been adjudged to

(Section III, P. L.) And whereas rye or Indian corn, in casks of large ranted by the said recited act or inspected and found to be beneficial to

[Section III.] Be it further enacted, That it shall and may be lawful for millers and bolters, to pack any flour of rye or Indian corn in strong, tight hogsheads, to be well made of good seasoned white oak, and to be

bound and tightened with sixteen good and sufficient hoops, to be well secured with not less than four nails in each chine hoop, and three wooden plugs or pegs at the upper edge of each upper bilgh hoop, and to be of the following dimensions, viz.: the staves to be of the length of forty-one inches, and the diameter of the head to be twenty-seven inches, and the diameter at the bung or bilgh to be thirty-one inches, to contain eight hundred pounds net weight, having the tare or weigh of the cask marked on it, and branded before it leaves the mill, bolting house or place where the same shall have been packed, as hereinbefore directed, with the addition of number 1800, such miller and bolter complying with all and every the directions of the said recited acts of assembly, as to the casks number 2, 3, and 4, therein mentioned, and of this act, and subject to the same regulations, fines, forfeitures and penalties; and the said inspector, or his deputy, shall be entitled to demand and receive, for the inspection of each and every such cask branded number 1800, as aforesaid, from the person or persons offering the same for inspection, the sum of three cents, and no more.

(Section IV, P. L.) And whereas rye flour, of superior quality, has become an article of considerable demand for exportation, and will command an advanced price:

[Section IV.] Be it further enacted by the authority aforesaid, That any miller or bolter may, in addition to the words "rye flour," heretofore directed, brand each and every cask containing flour of rye with the word "fine," before it leaves the mill or bolting-house, where the same shall have been first packed, and before it shall be shipped or laden on board any ship or vessel for exportation out of this state, it shall be offered to the view and examination of the inspector, or one of his deputies, who shall try and search the same, as hereinbefore directed, and if the said inspector, or his deputy, shall judge the same to be of sufficient fineness and quality, in all respects, to be exported as rye flour "fine," he shall plug up the holes he shall make, in the same manner as is hereinbefore directed, but if the said inspector, or his deputy, shall adjudge any such flour of rye, having thereon the brand of "fine," to be inferior to the standard quality which shall entitle it to be shipped and exported as "fine," he

shall be, and he is hereby, authorized to obliterate the word "fine" from the act, also, That if any dispute shall arise between the owner or possessor of such flour and the owner of to pass as "fine," such owner or possessor shall be tried and determined, in such manner as may be directed by the act to which this act is a supplement concerning the quality of flour the

[Section V.] (Section V, P. L. 1800) by the authority aforesaid, That all fines, penalties and forfeitures, in and by the said act, and the several supplements thereto imposed and inflicted on any persons who shall grind, bolt, make casks for, or use such flour, shall have left the mill or bolting, and shall otherwise have anything to do with the act, and who should or shall offend against the supplement thereto, or against the said first day of September next, shall not extend to such persons and offenses in respect to Indian corn, as fully and effectually as if the said regulations, fines, penalties and forfeitures, herein repeated.

[Section VI.] (Section VI, P. L. 1800) by the authority aforesaid, That all actions, suits, forfeitures and penalties, imposed and by the said act, may be sued for and recovered by the deputies, in like manner as other officers, and may be sued for and be recovered by the said wealth, together with costs of suit, in the same manner as is directed by the act to

Passed March 15, 1800. Recorded

CHAPTER MMCXLV.

AN ACT FOR ALTERING THE TIMES OF HOLDING CERTAIN COURTS
WITHIN THIS STATE.

Whereas the erection of the counties of Crawford, Adams and Centre, during the present session of the legislature, has rendered it necessary that a new arrangement of some of the districts for holding the courts, and of the times of holding the said courts, should be made. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the last Monday of June next, the county of Cumberland shall be annexed to the second district, and the courts of common pleas and quarter sessions for the counties of Lancaster, York, Adams, Cumberland and Dauphin shall be holden at the times following, viz.: in the county of Lancaster, on the second Mondays in February, May, August and November; in York county, on the Mondays next after the courts of Lancaster; in Adams county, on the Mondays next after the courts of York county; in Carlisle, for Cumberland county, on the Mondays next after the courts of Adams county; and in the county of Dauphin, on the Mondays next after the courts of Cumberland county; and that, from and after the last Monday of May next, the county of Somerset shall be annexed to the fourth district, and the courts of common pleas and quarter sessions for the counties of Franklin and Somerset, within the said district, shall be holden at the following times, viz.: in the county of Franklin, on the first Mondays in January, April and August, and on the last Monday of October, in every year; and in the county of Somerset, on the Mondays next after the courts in Bedford county; and that, from and after the said last Monday of May next, the courts of common pleas and quarter sessions within the fifth district, shall be holden at the times fol-

lowing, viz.: in the county of Was
in February, May, August and No
county of Greene, on the Mondays
ington county; in the county of I
after the courts in Greene county
land, on the Mondays next after 1
in the county of Allegheny, on the
in Westmoreland county; and in t
second Mondays next after the cou
the county of Chester shall be, and
to the first district; and the presi
preside at and hold the next court

Passed March 15, 1800. Recorded

CHAPTER M]

AN ACT TO PROVIDE FOR OPENING AN DAVID BEALE'S, IN MIFFLIN COUN SHEARMAN'S VALLEY, IN CUMBERL

Whereas the opening and impr
Beale's, in Mifflin county, over the
West Conococheague mountains, to
man's valley, in Cumberland count
and as the opening of said road is
a nature to be accomplished by the
passes. Therefore:

[Section I.] (Section I, P. L.)
and House of Representatives of t
sylvania, in General Assembly met,
the authority of the same, That Dav
of Mifflin county, are appointed co
improve the road from the said D
the Tuscarora, and over the West Conecocneague mountains, to
George M'Mullin's, in Shearman's valley; and as soon as the said

road has been laid out and opened, they shall give information thereof to the governor, who is hereby authorized and required to employ a suitable agent, who shall take to his assistance two reputable freeholders, one of them from Shearman's valley, and the other from Tuscarora valley, to view and report on the state of the said road, and value the labor done, and ascertain the money expended in improving the said road; and upon the report of the said freeholders and the agent, or any two of them, the agent being one, filed in the office of the secretary of the commonwealth, the governor is hereby authorized to draw his warrant in favor of the said David Beale and Joseph McCoy, or their legal representatives, for the full amount reported to be laid out or expended in improving said road; provided the same shall not exceed the sum of four hundred and fifty dollars; which moneys shall be paid out of the arrearages of the state taxes now due from the counties of Cumberland and Mifflin, for which sum so paid the county of Mifflin shall be entitled to a credit in their settlement with the treasurer of Cumberland county, who shall be entitled to have a credit for the same in his settlement with the treasurer of the commonwealth.

Passed March 15, 1800. Recorded L. B. No. 7, p. 169, etc.

CHAPTER MMCXLVII.

AN ACT TO AUTHORIZE THE GOVERNOR TO APPOINT COMMISSIONERS TO SELL THE HOUSE INTENDED FOR THE ACCOMMODATION OF THE PRESIDENT OF THE UNITED STATES, AND THE LOTS ADJACENT THERETO.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor be, and he is hereby, authorized to appoint three persons, who shall be commissioners to sell the house intended for the accommodation of the

president of the United States, and :
ing thereto, in the city of Philadelp
commonwealth.

[Section II.] (Section II, P. L.
by the authority aforesaid, That, pi
lots, or any of them being offered
sioners, they shall divide the same, i
is to say: That part of the said
street, shall be divided into six l
twenty-five feet each in front on sa
of the remaining two shall be twe
a half in front on the said street,
six feet four inches and a half, mo
of the said lots shall extend one l
south from Market street, and no m
which fronts on Chestnut street, sha
ner, excepting only that each and
the same shall be so divided, shall e
feet northwardly from the said Che

[Section III.] (Section III, P. L.
enacted by the authority aforesaid,
shall, without delay, as soon as the
lots in the manner above mentione
also the ground plot of the house int
of the president of the United Sta
ately contiguous thereto and not p
last section, or included in the lots t
and shall dispose of the said house
delay, by public sale, giving at lea
intended sale, in two or more new
Philadelphia. Provided, That at le
chase money of the said house and
shall be paid before any title is ma
thereof, respectively, and the remai
thereon, respectively, payable in not more than three equal
annual instalments, with interest.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That, as soon as the said commissioners, or any two of them, shall certify to the governor, that the said house and lots, or any of them, are sold in the manner hereinbefore directed, he shall, under his hand, execute a good and sufficient deed or deeds, transferring all the right, title, interest and estate of this commonwealth in the same, to such person or persons as shall be certified to him by the said commissioners, or any two of them, to be the purchaser or purchasers thereof, and shall cause the state seal to be thereto affixed, and shall thereupon deliver, or cause the said deed or deeds to be delivered, to the said purchaser or purchasers, on his or their paying one-third of the amount of the purchase money to the state treasurer, and depositing a good and sufficient mortgage for securing the residue, in the manner hereinbefore mentioned, with the recorder of deeds for the city and county of Philadelphia, in order that the same may be by him recorded in the office for recording of deeds for the city and county of Philadelphia, and the said recorder, for the time being, shall, whenever satisfaction of any such mortgage shall be acknowledged in his office by the state treasurer, deliver the said mortgage so satisfied to the mortgagor, or other owner of the property in the said mortgage mentioned.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the several lots fronting on Market and Chestnut streets, described in the second section of this act, shall be sold with the condition, and under the restrictions following, that is to say: That no building or erection shall be made on any or either of them, at the distance of more than one hundred feet from the said streets respectively, of a greater height than eight feet, and in each and every of the deeds, granted for the same in pursuance of this act, shall be inserted a provision to that effect.

(Section VI, P. L.) And whereas it is represented, that several sums of money remain unpaid to some of the persons who have been employed about the said buildings.

ment of the public accounts, and for other purposes therein mentioned," passed the fourth day of April, one thousand seven hun-

dred and ninety-two,¹ the sum of one thousand dollars; for the payment of clerks in the office of the comptroller general, in settling the accounts of the late comptroller general and state treasurer, the sum of one thousand five hundred dollars; for the payment of clerks to be employed in the office of register general, in settling the same accounts, the sum of nine hundred dollars; for the payment of Thomas Parker, for repairs done to the state house clock, in the city of Philadelphia, the sum of five hundred and thirty-two dollars and forty-three cents; for the payment of the heirs of William January, deceased, for his services as a transcribing clerk to the house of representatives at the session of the year one thousand seven hundred and ninety-seven, the sum of twenty-six dollars and seventy-five cents; for defraying the expenses of removing the seat of government, and offices attached thereto, from the city of Philadelphia to the borough of Lancaster, the further sum of one thousand two hundred dollars, to be accounted for by the commissioners in the settlement of their accounts with the register and comptroller general; for the payment of clerks in the offices of the surveyor general, receiver general and secretary of the land office; for the purposes, and under the same restrictions, expressed in the act, entitled, "An act making provision for the employment of an additional number of clerks in the office of the surveyor general, receiver general and secretary of the land office," passed the fifth day of April, one thousand seven hundred and ninety-seven,² the sum of one thousand one hundred dollars; for the payment of a balance due to Hall and Sellers, for printing the journals of the late house of representatives, the sum of forty dollars.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the governor shall lay before the next general assembly, a particular account of the expenses of the executive department.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That all warrants to be drawn on the treasury by the governor for the sums of money appropriated

¹Chapter 1627.

²Chapter 1952.

by this act, except as is herein otherwise directed, shall be under the same regulations and restrictions as are directed in other cases.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the surveyor general, the receiver general and secretary of the land office, shall make report of the progress made in the arrangement of arrears of business in their respective offices, to the next legislature, on or before the fifteenth day of January next.

Passed March 17, 1800. Recorded L. B. No. 7, p.

CHAPTER MMCXLIX.

AN ACT TO DIRECT, IN BEHALF OF THIS STATE, THE MANNER OF APPOINTING ELECTORS OF A PRESIDENT AND VICE-PRESIDENT OF THE UNITED STATES.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the members of the senate and house of representatives, shall assemble in the chamber of the house of representatives, on the second day of December, in the present year, and then and there appoint fifteen persons, in the manner hereinafter specified, who shall be the electors to elect, on behalf of this state, a president and vice president of the United States, at the next ensuing election for that purpose to be holden. The speaker of the senate, or in his absence, the speaker of the house of representatives, shall preside at said meeting.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the appointment of electors shall be conducted as follows, that is to say: First, That before the time of the joint meeting of the members of the two houses of the general assembly, above mentioned, each house shall, from its own members, choose and appoint one teller, and communicate

the name of the member so chosen to the other house. Second, That the senate shall nominate eight persons, and the house of representatives shall also nominate eight persons, and as soon as conveniently may be, shall communicate to each other the names of the persons so by them respectively nominated. Third, That the votes of the members at the meeting aforesaid, shall be given *viva voce*. The members of the senate shall first vote, and then the members of the house of representatives, in alphabetical order and each member shall vote for fifteen electors, who shall be taken from the nominations of the senate and house of representatives, so as aforesaid made, of whom the fifteen highest in votes shall be the electors. A certificate of such appointment shall be made out and signed by the speaker of the senate, or other person presiding, and forthwith transmitted to the governor of the commonwealth, who shall thereupon declare, by proclamation, the names of the persons so appointed.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the governor shall cause a notification of their election to be delivered, in writing, to each and every of the electors appointed as aforesaid, on or before the third day of December, in the present year; the expense whereof shall be defrayed and paid, on a warrant or warrants drawn by him on the state treasurer; and the said electors shall assemble on the first Wednesday in December, in the present year, at the court house in Lancaster, and shall then and there perform the duties enjoined upon them by the constitution and laws of the United States.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That each of the said electors, shall receive three dollars daily wages, when traveling to, remaining at, and returning from the place of meeting aforesaid; the same to be paid by the treasurer of the state, or the treasurer of the county in which the said electors respectively reside, on a warrant or warrants signed by the president of the meeting of the said electors, if any they shall choose, or by a majority of such electors, exclusive of the person in whose favor the warrant is drawn; and all sums paid as aforesaid by the treasurer of any

1800] *The Statutes at La*

county within this state, shall
said county, in the settlement of
urer.

Passed December 1, 1800. R

CHAPT

AN ACT FOR ERECTING CERTAIN COUNTY C

[Section I.] (Section I, P.
and House of Representatives
sylvania, in General Assembly
the authority of the same, That
the county of Luzerne, shall be
Huntingdon district; and the
general elections at the house
lord, in said township.

[Section II.] (Section II, I
by the authority aforesaid, Th
the county aforesaid, shall be
Brantum district; and the elec
eral elections at the house nov
said township.

[Section III.] (Section III,
by the authority aforesaid, The
tricts of Wyalusing, Wysock, T
county aforesaid, included with
ginning at a point five miles du
the Susquehanna river; thence
of the state; thence east to the
boundary line; thence south un
drawn due east from the place

election district, to be called Rindaw district; and the electors thereof shall hold their general elections at the house now occupied by Ezekiel Hyde, in said district.

Passed December 1, 1800. Recorded L. B. No. 7, p. 194, etc.

CHAPTER MMCLI.

AN ACT TO RAISE, BY WAY OF LOTTERY, A SUM OF MONEY, TO COMPLETE A CHURCH LATELY BUILT IN THE VILLAGE OF NEW HOLLAND.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That Frederick Segar, Adam Miller, junior, George Ecard, junior, Jacob Colfrode, Jacob Rengewalt, Philip Diffendeffor and Henry Ream, be, and they are hereby, appointed commissioners, to raise, by way of lottery, a sum not exceeding four thousand dollars, with a discount of twenty per cent. to be applied by them to defray the expense of completing a church, lately built by the German Calvinist congregation in the village of New Holland, in Lancaster county.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners, previous to their selling any tickets in the said lottery, shall lay the scheme thereof before the governor, to be approved of by him, and shall also enter into bonds to the governor, for the due performance of their duty in drawing of the said lottery, and shall each, previous to entering upon the duties of his said office, take and subscribe an oath or affirmation, diligently and faithfully to perform the duties intrusted to him; and at least three of the said commissioners shall attend at the drawing of each day, and when the whole drawings are completed, they shall cause an accurate list of the fortunate numbers to be published in the newspapers printed in Lancaster, and shall pay and discharge such

prizes as shall be demanded by persons legally entitled thereto, within six months after drawing of the said lottery shall be completed.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That all prizes not demanded within twelve months after publication as aforesaid, shall be considered as relinquished for the benefit of the said church.

Passed December 1, 1800. Recorded L. B. No. 7, p. 195, etc.

CHAPTER MMCLII.

AN ACT TO ERECT A CERTAIN ELECTION DISTRICT IN THE COUNTY OF WAYNE.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the townships of Lackawaxen, Palmyra, and that part of Canaan township which lies on the south side of Middle creek, in the county of Wayne, are hereby erected into a separate election district, to be called the fourth district; and the electors thereof shall hold their general election at the mansion house at Wilsonville, in said county.

Passed December 1, 1800. Recorded L. B. No. 7, p. 196.

CHAPTER MMCLIII.

AN ACT TO CHANGE THE PLACE OF HOLDING ELECTIONS IN THE FOURTH ELECTION DISTRICT IN FAYETTE COUNTY.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by

the authority of the same, That, from and after the passing of this act, the electors composing the district of Bullskin and Tyrone townships, in the county of Fayette, shall hold their general elections at the public school-house in Connellsville, in Bullskin township.

Passed December 1, 1800. Recorded L. B. No. 7, p. 197.

CHAPTER MMCLIV.

AN ACT ERECTING TWO ELECTION DISTRICTS, AND ENLARGING THE BOUNDS OF ANOTHER DISTRICT, IN THE COUNTY OF WASHINGTON, WITHIN THIS COMMONWEALTH.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, the following bounds in the county of Washington, to wit: Beginning at the three forks of Buffalo creek; thence up the westerly fork called Buck run to John Graham's; thence to Alexander Gray's; thence to the top of the dividing ridge between the waters of Buffalo and Wheelen creeks; thence by the said dividing ridge to the line of Morris and Canton townships; thence to Williamson's road at Joseph Lauramore's; thence along said road to the place of beginning, shall be a separate election district; and the electors thereof shall hold their elections at the house now occupied by James Kerr, in the town of Brunswick in said district.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the following bounds in the county of Washington, to wit: Beginning at the state line, where Greene county line intersects the same; thence by said line up Wheelen creek and Enlow's fork, to the head thereof; thence to the top of the ridge that divides the waters of Wheelen and Ten-mile creeks; thence a north-west course along the top of the

tain, shall be a separate election district, to be called the ninth

election district of the county of Huntingdon; and the electors thereof shall hold their elections at the house now occupied by Cornelius M'Guire, within said township.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the electors of the sixth election district within said county, who reside eastward of a straight line to be drawn from Foreshea's gap in Terrass mountain, to the mouth of Little Trough creek, and from thence up Big Trough creek to Philip Curfman's saw-mill, and thence a straight line, so as to include the house of Joshua Chilcot, junior, to the eastward to the line of the eighth election district, shall be a part of the first election district in said county; and the electors thereof shall hold their elections at the court-house in the borough of Huntingdon, any law to the contrary notwithstanding.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That all that part of West township in the county of Huntingdon within the following lines, viz.: Beginning at the division line of Franklin and West townships, on the Little Juniata river; thence along said line till opposite the head of Nelson's run; thence down the said run until it intersects Shaver's creek; thence up the said creek until the great road leading from Alexander McCormick's mill to the borough of Huntingdon crosses the same; thence along the said road to the line of Huntingdon township, shall, from and after the passing of this act, be annexed to the first election district; and the electors thereof shall hold their elections at the court-house in the borough of Huntingdon, any law to the contrary notwithstanding.

Passed December 17, 1800. Recorded L. B. No. 7, p. 199, etc.

CHAPTER MMCLVI.

AN ACT TO REGULATE THE FISHERIES IN THE RIVER JUNIATA AND ITS BRANCHES.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, no seine or net shall be cast or drawn, or in anywise made use of, by any person or persons whomsoever, in the river Juniata or its branches (so far as the same is or shall be hereafter declared a public highway) for the purpose of taking fish, from sunseting on Saturday until sunrising on Monday morning next following; and that no more than one seine or net shall be drawn, or anywise made use of, in any pool or fishing place, by any person or persons whomsoever, in the aforesaid river or its branches, in any one term of twenty-four hours, to begin at sunrising and to continue until sunrising the day next following; and that no seine or net shall be so long as to extend more than two-thirds of the way across said river; and where it may happen that there is or may be a fishery on each side of said river, and opposite each other, they shall not draw their seines or nets on such fisheries, both at one time, in any one term of twenty-four hours; the fishery on the east side of said river to be occupied or made use of one twenty-four hours, the fishery on the west side the next twenty-four hours, and so on in rotation, or as the parties may otherwise agree, but not to infringe on the meaning and intent of this act. And if any person or persons whomsoever shall draw or make use of any seine or net in the said river or its branches, or shall be aiding or assisting therein, within the term or terms aforesaid, contrary to the true meaning and intent of this act, every person or persons, so offending, and being thereof

legally convicted before any justice of the peace of the county where the offence is committed, shall forfeit the sum of thirty dollars, together with costs of suit, for every such offence, to be paid one-half to the informer or prosecutor, the other half to be applied by the supervisor or supervisors of the roads in the township where the offence has been committed, in repairing the public roads in the same. Provided always nevertheless, That in either of the aforesaid cases, the like appeal from the decision of any justice of the peace shall be had, as in cases of recovering debts under twenty pounds.

Passed January 2, 1801.

CHAPTER MMCLVII.

AN ACT ALTERING AND ERECTING CERTAIN ELECTION DISTRICTS IN THE COUNTY OF NORTHUMBERLAND.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the part of the county of Northumberland comprised within the following boundaries, viz.: Beginning at a point on the middle of the Shamokin hill; thence by a south line to William Weyrick's, in Penn's township on Penn's creek; thence to Frederick Stone's; thence to John Dibler's; thence to Jacob Bishop's; thence to George Markley's; thence to Peter Burn's on Penn's creek, including all the said farms; thence along the Buffalo township line to Abraham Ireley's; thence to Toran O'Quin's, included as aforesaid; thence to the top of the middle ridge of the Shamokin hills, including Seabold's mill and farm, to the beginning, shall be a separate election district, to be called New Berlin district; and the electors thereof shall hold their general elections at the house now occupied by Christopher Seabold, in the town of New Berlin.

following boundaries, that is to say: beginning at a point on
the Tussey's mountain, three miles south-west of the line which

divided Mifflin and Huntingdon counties thence by a direct line to the head of the southwest branch of Baldeagle creek; and thence a direct line to the head waters of the Muchannan.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners shall mark, run and ascertain part of the lines between the counties of Lycoming and Centre, beginning opposite to the mouth of Quinn's run, on the west branch of Susquehanna; thence a straight line to the mouth of Fishing creek, where it empties into Baldeagle creek and thence, to the northeast corner of Miles (late Haines) township, including Nittaney valley.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners, or any two of them, shall make different duplicate plots of the lines so run, and shall deposit one of each thereof with the recorder of deeds of each county bounded by the lines so run, in order to their being entered of record.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the expenses attending the execution of the duties enjoined upon the commissioners as aforesaid appointed, shall be paid by the respective counties bounded by the said lines, in equal proportion for those lines adjoining them, for which purpose, the county commissioners are hereby authorized to draw warrants on their respective treasurers, in favor of the said commissioners appointed to run the lines aforesaid.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That whereas, by the ninth section of the act to which this is a supplement, the trustees of Centre county are authorized and directed to erect a courthouse, prison and other buildings for the safe keeping of the public records, on the public square in the town of Bellefonte; but as it appears ineligible that a prison should be erected on the public square of the said town, therefore the trustees of Centre county are hereby authorized to erect the prison for said county, on any of the lots in the town of Bellefonte, conveyed to them by James Dunlop and James Harris, which may appear to them most suitable and best situated for the same.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That any two of the trustees of Centre county, shall in all cases be a quorum, to transact any business confided to them by this act, or by the act to which this is a supplement.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the townships of Upper Baldeagle and Centre in Centre county, shall be a separate election district, to be called the first election district; and the electors thereof shall hold their elections at the place where the courts are held, in the town of Bellefonte. And that the townships of Franklin and Halfmoon, in said county, shall be an election district, to be called the second election district; and the electors thereof shall hold their elections at the house now occupied by Abraham Elder, in Halfmoon township aforesaid.

Passed January 7, 1801.

CHAPTER MMCLIX.

AN ACT TO ERECT A NEW ELECTION DISTRICT IN THE COUNTY OF SOMERSET, AND FOR OTHER PURPOSES.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, the township of Stoney creek, and that part of Bedford township annexed to the county of Somerset, shall be an election district, to be called the sixth district; and the electors thereof shall hold their general elections at the house now occupied by John Roads, in said township of Stoney creek.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the electors residing within that part of Quamahoning township, in Somerset county, who now

elect at Beula shall, from and after the passing of this act, elect for the general election, at their former election district in Stoy's town, at the house appointed by a former law.

Passed January 7, 1801.

CHAPTER MMCLX.

AN ACT FOR THE RELIEF OF ISAAC VAN HORNE.

Whereas it is represented to the legislature, that Isaac Van Horne, a captain in the late continental army, in the line of this state, received a patent for a tract of five hundred acres of donation land (numbered LI.) in the third district thereof, which patent has been mislaid or lost. For remedy whereof:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor be, and he is hereby, authorized and required to cause a patent to be issued to the said Isaac Van Horne, for lot number fifty-one, in the aforesaid third district of donation lands, for five hundred acres, in lieu of the original patent stated to be lost. Provided, That a clause be inserted in the said patent, setting forth that the original patent hath been suggested to have been mislaid or lost.

Passed January 21, 1801.

CHAPTER MMCLXI.

AN ACT FOR THE RELIEF OF ABRAHAM MORROW.

Whereas it appears that Abraham Morrow, of the city of Philadelphia, was by the late Governor Mifflin appointed to take charge of and repair some of the public arms of this commonwealth, and

it appears that he has, agreeably to his appointment, collected, repaired and taken charge of a considerable number of the same, for which service the accounting officers under existing laws are not authorized to allow him compensation. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the comptroller general and register general be, and they are hereby, authorized to adjust and settle the accounts of Abraham Morrow, for collecting, repairing and taking care of the public arms; and the governor is hereby authorized to draw his warrant on the state treasurer, in favor of the said Abraham Morrow, for the amount of the sum so adjusted and settled, to be paid out of the militia, or any other fund of the state.

Passed January 24, 1801.

CHAPTER MMCLXII.

AN ACT TO AUTHORIZE JAMES HULINGS, HIS HEIRS OR ASSIGNS, TO
ERECT A WING-DAM ON FRENCH CREEK, IN VENANGO COUNTY.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That James Hulings, his heirs and assigns, be, and they are hereby, authorized to erect a wing-dam on French creek, in the county of Venango, adjoining the tract of land belonging to the said James Hulings, whereon he now resides, to extend not more than one-third across the said creek, and to keep the same in good repair forever, and also to lead off thereby on his own land, so much of the water of the creek as may be necessary for a grist-mill and saw-mill. Provided, That the said James Hulings, his heirs and assigns, in erecting the said dam, or in keeping the same in repair, or in drawing off the water

as aforesaid, shall not thereby in any degree obstruct the navigation of the said creek, or prevent the fish from passing up the same. And provided also, That the said James Hulings shall not thereby interfere with any private property on the said creek.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That on complaint of any person or persons to the judges of the court of quarter sessions of the said county, or the court in which actions of said county of Venango are cognizable, it shall and may be lawful for the said judges to appoint three commissioners, to view the said dam, and to compare it with the limitations and provisions herein set forth and enacted, and report to them at their next sessions the state thereof, which report, on oath or affirmation, if it contain an offence against this act, shall be sufficient ground for the court to direct a bill of indictment to be sent to the grand jury against the said James Hulings, his heirs or assigns, and upon prosecution, to conviction he, or either of them, for every such offence, shall be liable to pay a fine not exceeding two hundred dollars, nor less than one hundred, at the discretion of the court, who shall order so much of the said dam to be abated and altered by the supervisors of the highways of the proper township, as shall bring the same within the limitation and provisions of this act, at the cost of the person or persons so convicted. And provided also, That the said James Hulings, his heirs or assigns, shall, at the expense of him or them, remove out of the channel of the said creek, opposite the said dam and which will remain unoccupied by the same, all and every the natural obstructions therein, so that an uninterrupted navigation will be secured to all persons who may be desirous to use the same.

Passed January 31, 1801.

for the court to direct a bill of indictment to be sent to the grand jury, and upon prosecution to conviction, shall be liable to pay,

for every such offence, a fine not exceeding two hundred, nor less than one hundred dollars, at the discretion of the court, who shall order so much of the said dam to be abated by the supervisors of the highways of the adjoining township, as shall bring the same within the limitations and provisions of this act, at the cost of the person so convicted.

Passed January 31, 1801.

CHAPTER MMCLXIV.

AN ACT TO ERECT THE COUNTY OF ADAMS INTO CERTAIN ELECTION DISTRICTS.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, the townships of Cumberland, Franklin and Mannallen, and those parts of Strabane township, on the west of a road leading from Shriver's mill, to George Lashel's and Hunter's town, thence down the Beaver-dam to the Conewago, are hereby erected into an election district, to be called the first election district; and the electors thereof shall hold their elections at the court-house in Gettysburg.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the township of Mountjoy and Germany, and those parts of the townships of Heidelberg and Manheim within the limits of the county of Adams, are hereby erected into an election district, to be called the second election district; and the electors thereof shall hold their elections at the house now occupied by Jacob Winrott, in the town of Petersburg in the township of Germany.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the townships of Berwick and Mount Pleasant, and those parts of Strabane township, on the

east side of the road leading from Schriver's mill, to George Lashel's and Hunter's town, thence down the Beaverdam to the Conewago as aforesaid, are hereby erected into an election district, to be called the third election district; and the electors thereof shall hold their elections at the house now occupied by William Sturgeon, in Oxford town.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the township of Tyrone, and those parts of the townships of Huntingdon, Monaghan, Reading and Warrington included within said county, are hereby erected into an election district, to be called the fourth election district; and the electors thereof shall hold their elections at the house now occupied by John Fickes, in Huntingdon township.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the townships of Hamilton's ban and Liberty, are hereby erected into an election district, to be called the fifth election district; and the electors thereof shall hold their elections at the house now occupied by John M'Ginley, in Miller's town.

Passed January 31, 1801.

CHAPTER MMCLXV.

AN ACT TO DECLARE NESHANOCK CREEK, IN THE COUNTY OF MERCER, A PUBLIC HIGHWAY.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, Neshanock creek, in the county of Mercer, from its mouth, where it empties into the Shenango, up to the junction of Otter creek and Mill creek, shall be, and the same is hereby, declared to be a public highway for the passage of boats and rafts

along the same; and it shall and may be lawful for the inhabitants desirous of using the navigation of the said creek, to remove all natural and artificial obstructions, from the mouth thereof up to the junction of the aforesaid creeks. Provided, that in doing the same they shall not thereby injure any private property on the said creek.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That nothing in this act contained shall be deemed, taken or understood to prevent any person or persons possessing land on the said creek, who, before the passing of this act, had authority under the laws of this commonwealth to erect a dam or dams, from erecting the same, as he, she or they may think proper. Provided, That such dam or dams be so constructed and kept in repair by the owners thereof, with complete slopes and locks on convenient parts of such dams, as that the navigation of the said creek for boats and rafts will not be injured thereby, nor the passing of fish prevented.

Passed January 31, 1801.

CHAPTER MMCLVI.

AN ACT TO ERECT THE TOWNSHIPS OF BLOCKLEY AND KINGSESSING, IN THE COUNTY OF PHILADELPHIA, INTO A SEPARATE ELECTION DISTRICT.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, the townships of Blockley and Kingessing, in the county of Philadelphia, shall constitute a separate election district, to be called the Schuylkill election district; and the electors thereof shall hold their general elections at the house now occupied by John Leech, in the township of Blockley aforesaid.

Passed January 31, 1801.

CHAPTER MMCLXVII.

AN ACT FOR ERECTING THE TOWNSHIP OF ANVIL, AND PART OF THE TOWNSHIP OF LONDONDERRY, IN THE COUNTY OF DAUPHIN, INTO AN ELECTION DISTRICT.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, so much of the township of Londonberry as lies on the eastwardly side of the following lines, to wit: Beginning at Dixon's ford on Swatara creek; thence along the road between the lands of Robert and Thomas M'Callen to intersect the great road at Henry Gate's; thence down the small road by Martin Thomas and Thomas M'Elwrath's, between the lands of John Boal and Jacob Longnecker; thence by a straight line between David Brand, Jacob Lihman and William Logan's to Conewago creek; thence along the line of Londonderry to Anvil, and including the whole of Anvil township aforesaid, be, and the same is hereby, erected into an election district; and the electors within the same shall hold their general elections at the house now occupied by Christian Cassel, in Miller's town in the county of Dauphin aforesaid.

Passed January 31, 1801.

CHAPTER MMCLXVIII.

A SUPPLEMENT TO AN ACT, ENTITLED, "AN ACT TO PROVIDE FOR OPENING AND IMPROVING THE ROAD FROM DAVID BEALE'S IN MIFFLIN COUNTY, TO GEORGE M'MULLIN'S IN SHEARMAN'S VALLEY IN CUMBERLAND COUNTY."

Whereas the act to which this is a supplement does not authorize any part of the money granted for opening and improving the said road, to be drawn out of the treasury, until the whole of the

road is completed, and it is inconvenient for the commissioners appointed to open and improve the same to advance the whole money. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor is hereby empowered and authorized, on the said commissioners first giving such security for the faithful performance of their contract as he shall approve of, to draw his warrant on the treasurer of Cumberland county, for the sum of three hundred and fifty dollars, in part of the sum granted by the said recited act, to be paid out of the arrearages of state taxes remaining within said county, in favor of and to enable the said commissioners to improve the said road, anything in the said recited act to the contrary notwithstanding, and the treasurer shall be entitled to receive a credit for the same in his statement with the treasurer of the commonwealth.

Passed January 31, 1801.

CHAPTER MMCLXIX.

A SUPPLEMENT TO AN ACT, ENTITLED, "AN ACT TO ENABLE THOMAS JONES AND PETER FILBERT OF THE COUNTY OF BERKS, OR THE SURVIVOR OF THEM, TO CONVEY AND ASSURE THE LOTS OF GROUND THEREIN MENTIONED."

Whereas by the act to which this is a supplement, Thomas Jones and Peter Filbert, or the survivor of them, were constituted commissioners to convey and assure certain lots therein mentioned. And whereas the said Thomas Jones is since deceased, and the said Peter Filbert has declined acting alone. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That Samuel Jones of the county of Philadelphia, and David Jones of the county of Chester, in conjunction with Peter Filbert, be, and they are hereby, constituted and appointed commissioners, who, or any two of them, shall have and exercise all the powers vested in the commissioners appointed by the act to which this is a supplement.

Passed January 31, 1801.

CHAPTER MMCLXX.

AN ACT FOR THE RELIEF OF JOHN KONKAPOT, JUNIOR.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the comptroller general and register general be, and they are hereby, directed to adjust and settle the accounts with Clement Biddle, Esquire, of the money necessarily expended on the education of John Konkapot, junior, and for sending him home to his parents. And further, that the governor of this state be, and he is hereby, authorized and empowered to draw his warrant on the treasurer of this commonwealth for the amount, provided it does not exceed the sum of two hundred and sixty-seven dollars.

Passed January 31, 1801.

CHAPTER MMCLXXI.

A SUPPLEMENT TO AN ACT, ENTITLED, "AN ACT TO REVIVE AND AMEND AN ACT, ENTITLED, 'AN ACT TO ENABLE THE GOVERNOR OF THIS COMMONWEALTH TO INCORPORATE A COMPANY, FOR THE PURPOSE OF PROMOTING THE CULTIVATION OF VINES, AND FOR OTHER PURPOSES THEREIN MENTIONED.'"

Whereas it has been represented to the legislature, by a memorial from the commissioners appointed by law for the purpose of promoting the cultivation of vines, that the principal obstacle to the success of their applications for subscriptions to the funds for carrying the objects of their appointment into effect, appears to them to lie in that clause of the law which renders necessary the payment of one-half of the amount of each share at the time of subscribing. For remedy whereof:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, it shall and may be lawful for the commissioners appointed by an act, entitled, "An act to revive and amend an act, entitled, 'An act to enable the governor of this commonwealth to incorporate a company for the purpose of promoting the cultivation of vines, and for other purposes therein mentioned, passed on the seventh day of March one thousand eight hundred,¹ to accept and take any sum under the amount for each share subscribed at the time of such subscription, so that the same shall not be less than one dollar for each share so subscribed, as may be agreed upon by the said commissioners, or a majority of them; the remaining sum or balance for each share shall be paid by the subscribers, in such manner and in such proportions as the incorporated company, or the managers, or directors thereof shall

¹Chapter 2121.

order and direct, from time to time, provided an act of incorporation should be obtained agreeably to the above recited act, any law or laws to the contrary in anywise notwithstanding.

Passed January 31, 1801.

CHAPTER MMCLXXII.

AN ACT TO REPEAL SO MUCH OF AN ACT, ENTITLED, "AN ACT AUTHORIZING CERTAIN LOTTERIES," AS EMPOWERS THE COMMISSIONERS THEREIN NAMED TO RAISE A SUM OF MONEY, FOR ERECTING PIERS FOR SECURING THE BANKS OF THE ALLEGHENY AND MONONGAHELA RIVERS AT PITTSBURG.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the commissioners appointed by the third section of an act, entitled, "An act authorizing certain lotteries," passed the sixteenth day of March, one thousand seven hundred and ninety-eight,¹ and they are hereby authorized and required to take back the tickets which they disposed of under the authority of the said act, and to refund to purchasers the money received for the same; and the said commissioners are hereby exonerated from all the duties required by the said act, and from all claims which may be made on them by virtue thereof. Provided always, That in case of refusal of the commissioners to refund the price of the tickets aforesaid, it shall and may be lawful for the plaintiff to sue for the amount of said tickets before any justice of the peace, to be recovered in the same manner that debts under five pounds are recoverable, and the said tickets shall be given in evidence in the suits aforesaid.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That so much, and no more, of the aforesaid act, as authorizes certain commissioners therein men-

¹Chapter 1977.

tioned to raise a sum of money by lottery, for erecting piers, and for securing the banks of the Allegheny and Monongahela rivers at Pittsburg, be, and the same is hereby, repealed.

Passed February 4, 1801.

CHAPTER MMCLXXIII.

AN ACT TO ERECT PART OF THE COUNTY OF ALLEGHENY INTO A SEPARATE ELECTION DISTRICT.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, that part of Allegheny county contained in the following bounds, viz.: Beginning on the Ohio river at Beaver county line; thence by the same to Washington county line; thence by the same to Noblesburg district line; thence by the same to the heads of Moon run; thence down the same to the Ohio river; thence across the same to the mouth of Lawry's run; thence up the same to the head thereof; thence a north-west course to Beaver county line; thence by the same to the place of beginning in said county, are hereby erected into a separate election district, to be called the seventh district; and the electors thereof shall hold their annual elections at the house now occupied by Adam Patterson, in Middletown, anything in any former law to the contrary notwithstanding.

Passed February 4, 1801.

CHAPTER MMCLXXIV.

AN ACT TO FACILITATE THE SETTLEMENT OF THE ACCOUNTS OF
FORMER AND PRESENT COUNTY TREASURERS FOR ARREARS OF
STATE TAXES.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the comptroller general or register general shall attend in those counties, whenever they shall judge it necessary, which are in arrear in the payment of state taxes, and shall proceed to examine and adjust the accounts of the former and present county treasurers, as well for ascertaining the amounts assessed, levied and collected, as in whose hands any balance remains; and it shall be the duty of the comptroller and register general to give at least thirty days' notice to such county treasurer, whose accounts are to be examined and adjusted, and to such county commissioners, from whom information, books or papers may be necessary for such examination and adjustment, that they may be prepared accordingly.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the comptroller general and register general shall, on or before the first day of May next, be prepared with such documents as their offices afford, for entering upon the duties herein enjoined, and shall then inform the governor thereof, who shall determine which of the said officers shall so proceed.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the comptroller general and register general, when performing the duties enjoined by this act, shall have all the powers with which they are invested in their respective offices.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That all settlements made by virtue of this act shall be subject to the like appeals and restrictions.

as are provided by the act, entitled, "An act to provide for the settlement of public accounts, and for other purposes therein mentioned," passed the fourth day of April, Anno Domini one thousand seven hundred and ninety-two.¹

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the comptroller general and register general shall cause this act to be published weekly in six newspapers of this state, and to be continued one month.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the comptroller general or register general for services under this act, shall be allowed reasonable expenses only, to be settled as other accounts.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the sum of five hundred dollars be appropriated out of the aggregate funds to carry this act into effect.

Passed February 4, 1801.

CHAPTER MMCLXXV.

AN ACT TO AUTHORIZE ANTHONY ALTMAN AND MICHAEL RUGH, TRUSTEES OF THE LUTHERAN CONGREGATION IN HEMPFIELD TOWNSHIP, WESTMORELAND COUNTY, TO COMPLETE A TITLE FOR LAND.

Whereas Michael Rugh and Anthony Altman, trustees of the Lutheran congregation or church in the township of Hempfield, and county of Westmoreland, did, on the twenty-second day of August, one thousand seven hundred and eighty-five, procure a warrant for a tract or parcel of land, for the use of said congregation or church, and on the twenty-third day of May, one thousand seven hundred and eighty-nine, obtained a patent for the same from the commonwealth. And whereas the said trustees, by and with the advice and consent of the members of the said

¹Chapter 1627.

church or congregation, and for the benefit of the same, did sell and convey unto the Reverend Anthonoy Ulrich Lutge, and to his heirs and assigns, one hundred and six acres, being part of the said tract of land, but after the said sale had been made and full satisfaction received, it was discovered that the aforesaid trustees were not vested with sufficient authority to transfer, in due form, the property of the said land in fee simple; in order to obtain relief in the premises, the aforesaid trustees, in behalf of the said church or congregation, and also the respective members of the said congregation for themselves, having prayed the legislature, by their petitions, to authorize the present trustees, or their successors in the said trust, to convey in fee simple to the heirs or assigns of the Reverend Anthony Ulrich Lutge, lately deceased, the tract or parcel of land before mentioned. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the said Anthony Altman and Michael Rugh, or their successors, trustees for the Lutheran church or congregation in Hempfield township, in Westmoreland county, are hereby authorized to convey in fee simple, by deed, reciting this act, to the heirs or assigns of the said Anthony Ulrich Lutge, one hundred and six acres of land, by the meets and bounds described in the survey for that purpose made under the direction of the trustees, agreeably to the sale made to the late Anthony Ulrich Lutge in his lifetime, being part of a tract of land obtained in trust for the use of the Lutheran church in Hempfield township, Westmoreland county.

Passed February 9, 1801.

CHAPTER MMCLXXVI.

A SUPPLEMENT TO THE SEVERAL ACTS PASSED TO PROVIDE FOR THE SETTLEMENT OF THE PUBLIC ACCOUNTS.

Whereas by the several acts to which this is a supplement, a uniform mode of settling and filing the public accounts and vouchers is directed, and it is of importance to the state that the said acts should be fully carried into effect. And whereas several acts passed since the said acts to which this is a supplement, direct settlements to be made with the legislature or governor, by which the accounts of the state become detached, and the advantages contemplated by those acts are in some measure frustrated. For remedy whereof:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the comptroller general and register general shall have the same powers in the settlement of all accounts, and compelling payment of the balances that may be found due thereon to the commonwealth, which have been directed to be settled with the legislature or the governor by the several acts which have been passed since the act of the fourth of April, one thousand seven hundred and ninety-two, as they have by the said act; and the comptroller and register general are hereby directed to call upon all persons for a settlement, who have drawn moneys for which they were to be accountable, and for which they have not accounted.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the powers of the said comptroller and register general, in case of the death of the person indebted to the commonwealth, shall extend to all persons who are executors or representatives of the person or persons deceased, who was or were so possessed of public moneys unaccounted for; and the said comptroller general or register general, or either

of them, shall, when he conceives there is a necessity, compel the said executors or representatives to deliver up the books and papers of the deceased, so far as they relate to the transactions in question; and the said executors or representatives shall in such case receive an acknowledgment therefor, from the said comptroller or register general.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the secretary of this commonwealth shall furnish to the comptroller and register general, an account of all the contracts which have been entered into between the commonwealth and individuals or companies, with such reports as respect the same.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the secretary of the commonwealth shall, and he is hereby directed to place in the hands of the attorney general, all the contracts which have not been complied with, and the said attorney general is hereby directed to proceed against the said contractors and sureties, for the recovery of the moneys advanced thereon.

Passed February 9, 1801.

CHAPTER MMCLXXVII.

AN ACT TO ASCERTAIN PART OF THE LINES BETWEEN LANCASTER AND CHESTER COUNTIES.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor be, and he is hereby, authorized and empowered to appoint three commissioners, who, or any two of them, shall proceed to run out, mark and fix that part of the lines between the counties of Lancaster and Chester, from a point where the lines of Lancaster and Chester

counties make a corner, near the Horseshoe road on the Welch mountain, to such point on the Octorara creek as in the opinion of the said commissioners may be necessary, which lines, when so run and fixed by the commissioners as aforesaid, or any two of them, shall be and remain the lines dividing the counties of Lancaster and Chester respectively.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That where any survey or surveys have been made previous to the passing of this act, within the counties aforesaid, by any deputy surveyor, and it shall be found after the running of the several lines as directed by this act, that the same surveys are not within the proper district of such deputy surveyor, the return of such survey or surveys by the deputy or deputies who may have made the same, under circumstances of uncertainty, shall be as good and available in law, as if the same had been executed and returned by the proper deputy of the district, any law to the contrary in anywise notwithstanding. Provided always, That nothing herein contained shall in any degree prejudice or affect the right of private property.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the expenses attending the execution of the duties enjoined upon the commissioners, to be appointed by the first section of this act, as also the expenses which shall be incurred in running the lines between said counties, shall be paid out of the treasuries of the counties of Lancaster and Chester respectively, in equal proportion.

Passed February 10, 1801.

CHAPTER MMCLXXVIII.

AN ACT TO ERECT AND REGULATE SUNDRY ELECTION DISTRICTS IN THE COUNTY OF YORK.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by

the authority of the same, That, from and after the passing of this act, it shall and may be lawful for the electors of those parts of Manheim and Heidelberg townships, included within the bounds of York county, with that part of Paradise township on the west of a line to begin at the house of George Beack; thence by Nicholas Andrew, George Mayer and Michael Fissell, inclusive, together with that part of Codorus township on the west of a line to begin at the house of Jost Runk; thence by Henry Strikehouser, Christian Rohrback, Peter Kreps and Ludwig Frasher inclusive, shall be a district, to be called the second election district; and the electors thereof shall hold their elections at the house now occupied by Daniel Clapsadle, in the town of Hanover.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the township of Newbury shall be a district, to be called the third district; and the electors thereof shall hold their elections at the house of Eli Lewis, in the town of Lewisbury.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That those parts of Warrington, Reading, Monahan and Huntingdon townships, included within said county, shall be a district, to be called the fifth election district; and the electors thereof shall hold their elections at the house now occupied by John M'Clellan, on the road leading from York to Carlisle.

Passed February 10, 1801.

CHAPTER MMCLXXIX.

AN ACT TO ENABLE THE GOVERNOR OF THIS COMMONWEALTH TO INCORPORATE A COMPANY, FOR MAKING AN ARTIFICIAL ROAD FROM THE CITY OF PHILADELPHIA, THROUGH GERMANTOWN, TO THE TEN MILE STONE ON CHESTNUT HILL, AND FROM THENCE TO THE NEW STONE BRIDGE OVER PERKIOMEN CREEK, IN THE COUNTY OF MONTGOMERY.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by

the authority of the same, That Benjamin Chew, junior, Casper W. Hains, Matthew Huston, Samuel Betton, John Fromberger and Joseph P. Norris be, and they are hereby, appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say: They shall, on or before the first day of May next, procure two books, and in each of them enter as follows: "We, whose names are hereto subscribed, do promise to pay to the president, managers and company of the Germantown and Perkiomen turnpike road, the sum of one hundred dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportions as shall be determined by the said president and managers, in pursuance of an act of the general assembly of this commonwealth, entitled, "An act to enable the governor of this commonwealth, to incorporate a company, for making an artificial road from the city of Philadelphia, through Germantown, to the ten mile stone on Chestnut Hill, and from thence to the new stone bridge over Perkiomen creek, in the county of Montgomery," witness our hands the day of _____, in the year of our Lord one thousand eight hundred and one;" and shall give notice in three of the public newspapers in the city of Philadelphia (one whereof shall be in the German language) for one calendar month at least, of the times when and places where the said books will be open to receive subscriptions of stock for the said company; at which times and places three of the said commissioners shall attend, and shall permit and suffer all persons who shall offer to subscribe in the said books, which shall be kept open for the purpose at least four hours in every juridical day, for the space of three days, if three days shall be necessary; and if, at the expiration of the said three first days, the said books shall not have five hundred shares therein subscribed, the said commissioners may adjourn from time to time, until the said number of shares shall be subscribed, of which adjournment public notice shall be given in at least two public papers; and when the said subscriptions in the said books shall amount to the number aforesaid, the same shall be closed. Provided always, That every person offering to subscribe in the said books, in his own name or in the name of any

other person, shall previously pay to the attending commissioners, fifteen dollars for every share to be subscribed, out of which shall be defrayed the expense attending the taking such subscriptions, and other incidental charges, and the remainder shall be deposited in the Bank of Pennsylvania, for the use of such corporation, as soon as the same shall be organized, and the officers chosen as hereinafter mentioned.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That when forty persons, or more, shall have subscribed two hundred and fifty shares, or more, of the said stock, the said commissioners may, or when the whole number of shares aforesaid shall be subscribed, they shall certify, under their hands and seals, the names of the subscribers, and number of shares subscribed by each subscriber to the governor of this commonwealth, whereupon he shall, by letters patent under his hand and the seal of the state, create and erect the the [sic.] subscribers, and if the said subscription be not full at the time, then also those who shall thereafter subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of "The president, managers and company of the Germantown and Perkiomen Turnpike road," and by the said name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfill the intent of this act; and of purchasing, taking and holding, to them and their successors and assigns, in fee simple and for any lesser estate, all such lands, tenements, hereditaments and estate real and personal, as shall be necessary to them in the prosecution of their works, and of suing and of being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the commissioners hereinbefore named shall, as soon as conveniently may be, give thirty days'

And as these public meetings in Philadelphia are vitiated shall be in the future meetings of the time and place by them appointed for the said business in order to regulate the said corporation, and to choose by a majority of votes of the said members of the said company, or by proxy or by attorney, and president, twelve managers and receivers, and such other officers as shall be deemed necessary to conduct the business of the said company until the second Monday of November next, and until the officers shall be chosen: and may make such by-laws, rules, orders and regulations as do not contravene the constitution and laws of this commonwealth, and may be necessary for the well-governing the affairs of the said company. Provided always, That no person shall have more than five votes at any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to and that each person shall be entitled to one vote for every share by him held under the said number.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said company shall meet on the second Monday of November in every year, at such place as shall be fixed by their by-laws, for the purpose of choosing such other officers as aforesaid for the ensuing year, in manner aforesaid, and at such other times as they shall be summoned by the managers, in such manner and form as shall be prescribed by their by-laws, at which annual or special meetings they shall have full power and authority to make, alter or repeal, by a majority of votes, in manner aforesaid, all such by-laws, rules, orders and regulations made as aforesaid, and to do and perform any other corporate act.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the president and managers, first chosen as aforesaid, shall procure certificates for all the shares of the stock of the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person for every share by him subscribed and held, he paying fifteen dollars for each share, which certificate shall be

transferable at his pleasure, in person or by attorney duly authorized, in the presence of the president or treasurer, subject, however, to all payments due and to grow due thereon. And the assignee holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for the purpose, shall be a member of the corporation, and for every certificate assigned to him as aforesaid, shall be entitled to one share of the capital stock, and of all the estate and emolument of the company, and to vote as aforesaid at the meetings thereof.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall meet at such times and places as shall be ordained by their by-laws, and when met, seven members shall form a quorum, and who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions fairly entered in a book, and a quorum being formed, they shall have full power and authority to appoint all such surveyors, engineers, superintendents, and other artists and officers as they shall deem necessary to carry on their intended works, and to fix their salaries and wages, to ascertain the times when and manner and proportion in which the stockholder shall pay the moneys due on their respective shares, to draw on the bank of Pennsylvania for all moneys as shall have been so as aforesaid deposited, necessary to pay the salaries or wages of persons by them employed, and for the materials provided, which drafts shall be signed by the president, or in his absence, by a majority of a quorum, and countersigned by their treasurer, and generally to do all such other acts, matters and things as by this act, and by the by-laws, rules, orders and regulations of the company, they shall be authorized to do.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That if, after thirty days' notice in three of the public newspapers printed in the city of Philadelphia, of the time and place appointed for the payment of any proportion or dividend of the said capital stock, in order to carry on the work, any stockholder shall neglect to pay such

proportion or dividend at the place appointed, for the space of thirty days after the time so appointed, every such stockholder, or his assignee, shall, in addition to the dividend so called for, pay after the rate of five per cent. per month for delay of such payment; and if the same, and the said additional penalty, shall remain unpaid for such space of time, as that the accumulated penalties shall become equal to the sums before paid in part and on account of such shares, the same shall be forfeited to the said company, and may and shall be sold to any person or persons willing to purchase, for such price as can be obtained for the same.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the said road shall be made in, over and upon the bed of the present road, beginning at the intersection of Third street and Vine street in the city of Philadelphia, and extending through Germantown to the ten mile stone on the top of Chestnut Hill, and from thence to the new stone bridge over Perkiomen creek, in the county of Montgomery, as nearly as may be consistently with economy and utility. Provided always, That no surveyor, superintendent, artist, or other person or persons employed by the said company to lay out the said road, shall enter upon or go through any land or lands belonging to any person or persons, without first obtaining permission of the owner or owners thereof.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the said president, managers and company shall cause a road to be laid out, of not less than fifty nor more than sixty feet in width, in such manner as that the present buildings on said road may not be injured, and at least twenty-eight feet thereof to be made an artificial road, bedded with wood, stone, gravel, or any other hard substance well compacted together, and of sufficient depth to secure a solid foundation to the same, and the said road shall be faced with gravel or stone pounded, or other small hard substance, in such manner as to secure a firm, and as near as the materials will admit of it, an even surface, and so nearly level in its progress, as that it shall in no place rise or fall more than will form an angle

of four degrees with an horizontal line; and shall forever hereafter maintain and keep the same in good and perfect order, from the city of Philadelphia, by the route or track aforesaid, to the ten mile stone on the top of Chestnut Hill and from thence to the new stone bridge over Perkiomen creek, in the county of Montgomery, and the said president, managers and company shall have power to erect permanent bridges over all the waters crossing the said road.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That so soon as the said president, managers and company shall have perfected the said road, from the city of Philadelphia to the five mile stone on the Germantown road, and also when they shall have completed the succeeding five miles, they shall give notice thereof to the governor of the commonwealth, who shall thereupon forthwith nominate and appoint three disinterested and skilful persons to view and examine the same, and report to him, in writing, whether the said road is so far executed in a masterly and workmanlike manner, according to the true intent and meaning of this act; and if their report shall in either case be in the affirmative, then the governor shall, by license under his hand and the lesser seal of the commonwealth, permit and suffer the said president, managers and company to erect and fix so many gates or turnpikes, upon and across the said road, as will be necessary and sufficient to collect the tolls and duties hereinafter granted to the said company, from all persons traveling on the same, with horses, cattle, carts and carriages.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That when the said company is licensed, in manner aforesaid, it shall and may be lawful for them to appoint such and so many toll-gatherers as they shall think proper, to collect and receive, of and from all and every persons and persons using the said road, the tolls and rates hereinafter mentioned, and to stop any person riding, leading or driving any horses, cattle, hogs, sheep, coach, coachee, sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled, or any other carriage of burden or pleasure, from passing through the said turnpikes, until they shall respectively have paid the same. That is to

say: For every five miles in length of the said road completed and licensed as aforesaid, the following sums of money, and so in proportion for any lesser distance, or for any greater or lesser number of sheep, hogs, or cattle, to wit: For every score of sheep, six cents; for every score of hogs, six cents; for every score of cattle, twelve cents; for every horse and his rider, or led horse, three cents; for every sulkey, chair or chaise, with one horse and two wheels, six cents, and with two horses, nine cents; for every chariot, coach, phaeton or chaise, with two horses and four wheels, twelve cents; for either of the carriages last mentioned with four horses, twenty cents; for every other carriage of pleasure, under whatever name it may go, the like sums, according to the number of wheels and horses drawing the same; for every stage, wagon with two horses, twelve cents; and for every such wagon with four horses, twenty cents; for every sleigh, three cents for each horse drawing the same; and for every sled, two cents for each horse drawing the same; for every cart or wagon whose wheels do not exceed the breadth of four inches, three cents for each horse drawing the same; for every cart or wagon whose wheels shall exceed in breadth four inches and not exceed seven inches, three cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than seven inches and not more than ten inches, or being of the breadth of seven inches shall roll more than ten inches, two cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than ten inches and not exceed twelve inches, or being ten inches shall roll more than fifteen inches, one cent for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than twelve inches, one cent for every horse drawing the same. And if any person or persons shall represent to the said company, or any of their officers, that he, she or they have traveled a less distance than he, she or they have actually traveled along the said road, with intent to defraud the said company of its toll, or any part thereof, such person or persons shall, for every such offence, forfeit and pay to the use of the said company the sum of sixteen dollars. And if any toll-gatherer shall demand and receive toll for a greater distance than the person of whom such toll is demanded

shall have traveled along the said turnpike road, or shall demand and receive greater toll from any person or persons than such toll-gatherer is authorized to demand and receive by virtue of this act, such toll-gatherer shall forfeit and pay the sum of twenty dollars, for every such offence, to the use of the overseers of the poor of the township in which the forfeiture is incurred, and for the payment of which the said company shall be responsible.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That no wagon or other carriage with four wheels, the breadth of which wheels shall not be four inches, shall be drawn along the said road between the first day of November and the first day of May following, in any year, with a greater weight thereon than two and a half tons, or with more than three tons the residue of the year; that no such carriage, the breadth of whose wheels shall not be seven inches, or being six inches or more, shall not roll at least ten inches, shall be drawn along the said road between the said first days of November and May with more than three and a half tons, or with more than four tons during the residue of the year; that no such carriage, the breadth of whose wheels shall not be ten inches or more, or being less, shall not roll at least twelve inches, shall be drawn along the said road between the first days of November and May with more than five tons, or with more than five and a half tons during the residue of the year; that no cart or other carriage with two wheels, the breadth of whose wheels shall not be four inches shall be drawn along the said road with a greater weight thereon than one and a quarter tons, between the said first days of November and May, or with more than one and a half tons during the residue of the year; that no such carriage, whose wheels shall not be the breadth of seven inches, shall be drawn along the said road with more than two and a half tons, between the first days of November and May, or with more than three tons during the residue of the year; that no such carriage whose wheels shall not be of the breadth of ten inches, shall be drawn along the said road between the said first days of November and May with more than three and a half tons, or with more than four tons during the residue of the year; that no greater weight than seven tons

say: For every five miles in length of the said road completed and licensed as aforesaid, the following sums of money, and so in proportion for any lesser distance, or for any greater or lesser number of sheep, hogs, or cattle, to wit: For every score of sheep, six cents; for every score of hogs, six cents; for every score of cattle, twelve cents; for every horse and his rider, or led horse, three cents; for every sulkey, chair or chaise, with one horse and two wheels, six cents, and with two horses, nine cents; for every chariot, coach, phaeton or chaise, with two horses and four wheels, twelve cents; for either of the carriages last mentioned with four horses, twenty cents; for every other carriage of pleasure, under whatever name it may go, the like sums, according to the number of wheels and horses drawing the same; for every stage, wagon with two horses, twelve cents; and for every such wagon with four horses, twenty cents; for every sleigh, three cents for each horse drawing the same; and for every sled, two cents for each horse drawing the same; for every cart or wagon whose wheels do not exceed the breadth of four inches, three cents for each horse drawing the same; for every cart or wagon whose wheels shall exceed in breadth four inches and not exceed seven inches, three cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than seven inches and not more than ten inches, or being of the breadth of seven inches shall roll more than ten inches, two cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than ten inches and not exceed twelve inches, or being ten inches shall roll more than fifteen inches, one cent for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than twelve inches, one cent for every horse drawing the same. And if any person or persons shall represent to the said company, or any of their officers, that he, she or they have traveled a less distance than he, she or they have actually traveled along the said road, with intent to defraud the said company of its toll, or any part thereof, such person or persons shall, for every such offence, forfeit and pay to the use of the said company the sum of sixteen dollars. And if any toll-gatherer shall demand and receive toll for a greater distance than the person of whom such toll is demanded

shall have traveled along the said turnpike road, or shall demand and receive greater toll from any person or persons than such toll-gatherer is authorized to demand and receive by virtue of this act, such toll-gatherer shall forfeit and pay the sum of twenty dollars, for every such offence, to the use of the overseers of the poor of the township in which the forfeiture is incurred, and for the payment of which the said company shall be responsible.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That no wagon or other carriage with four wheels, the breadth of which wheels shall not be four inches, shall be drawn along the said road between the first day of November and the first day of May following, in any year, with a greater weight thereon than two and a half tons, or with more than three tons the residue of the year; that no such carriage, the breadth of whose wheels shall not be seven inches, or being six inches or more, shall not roll at least ten inches, shall be drawn along the said road between the said first days of November and May with more than three and a half tons, or with more than four tons during the residue of the year; that no such carriage, the breadth of whose wheels shall not be ten inches or more, or being less, shall not roll at least twelve inches, shall be drawn along the said road between the first days of November and May with more than five tons, or with more than five and a half tons during the residue of the year; that no cart or other carriage with two wheels, the breadth of whose wheels shall not be four inches shall be drawn along the said road with a greater weight thereon than one and a quarter tons, between the said first days of November and May, or with more than one and a half tons during the residue of the year; that no such carriage, whose wheels shall not be the breadth of seven inches, shall be drawn along the said road with more than two and a half tons, between the first days of November and May, or with more than three tons during the residue of the year; that no such carriage whose wheels shall not be of the breadth of ten inches, shall be drawn along the said road between the said first days of November and May with more than three and a half tons, or with more than four tons during the residue of the year; that no greater weight than seven tons

say: For every five miles in length of the said road completed and licensed as aforesaid, the following sums of money, and so in proportion for any lesser distance, or for any greater or lesser number of sheep, hogs, or cattle, to wit: For every score of sheep, six cents; for every score of hogs, six cents; for every score of cattle, twelve cents; for every horse and his rider, or led horse, three cents; for every sulkey, chair or chaise, with one horse and two wheels, six cents, and with two horses, nine cents; for every chariot, coach, phaeton or chaise, with two horses and four wheels, twelve cents; for either of the carriages last mentioned with four horses, twenty cents; for every other carriage of pleasure, under whatever name it may go, the like sums, according to the number of wheels and horses drawing the same; for every stage, wagon with two horses, twelve cents; and for every such wagon with four horses, twenty cents; for every sleigh, three cents for each horse drawing the same; and for every sled, two cents for each horse drawing the same; for every cart or wagon whose wheels do not exceed the breadth of four inches, three cents for each horse drawing the same; for every cart or wagon whose wheels shall exceed in breadth four inches and not exceed seven inches, three cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than seven inches and not more than ten inches, or being of the breadth of seven inches shall roll more than ten inches, two cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than ten inches and not exceed twelve inches, or being ten inches shall roll more than fifteen inches, one cent for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than twelve inches, one cent for every horse drawing the same. And if any person or persons shall represent to the said company, or any of their officers, that he, she or they have traveled a less distance than he, she or they have actually traveled along the said road, with intent to defraud the said company of its toll, or any part thereof, such person or persons shall, for every such offence, forfeit and pay to the use of the said company the sum of sixteen dollars. And if any toll-gatherer shall demand and receive toll for a greater distance than the person of whom such toll is demanded

shall have traveled along the said turnpike road, or shall demand and receive greater toll from any person or persons than such toll-gatherer is authorized to demand and receive by virtue of this act, such toll-gatherer shall forfeit and pay the sum of twenty dollars, for every such offence, to the use of the overseers of the poor of the township in which the forfeiture is incurred, and for the payment of which the said company shall be responsible.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That no wagon or other carriage with four wheels, the breadth of which wheels shall not be four inches, shall be drawn along the said road between the first day of November and the first day of May following, in any year, with a greater weight thereon than two and a half tons, or with more than three tons the residue of the year; that no such carriage, the breadth of whose wheels shall not be seven inches, or being six inches or more, shall not roll at least ten inches, shall be drawn along the said road between the said first days of November and May with more than three and a half tons, or with more than four tons during the residue of the year; that no such carriage, the breadth of whose wheels shall not be ten inches or more, or being less, shall not roll at least twelve inches, shall be drawn along the said road between the first days of November and May with more than five tons, or with more than five and a half tons during the residue of the year; that no cart or other carriage with two wheels, the breadth of whose wheels shall not be four inches shall be drawn along the said road with a greater weight thereon than one and a quarter tons, between the said first days of November and May, or with more than one and a half tons during the residue of the year; that no such carriage, whose wheels shall not be the breadth of seven inches, shall be drawn along the said road with more than two and a half tons, between the first days of November and May, or with more than three tons during the residue of the year; that no such carriage whose wheels shall not be of the breadth of ten inches, shall be drawn along the said road between the said first days of November and May with more than three and a half tons, or with more than four tons during the residue of the year; that no greater weight than seven tons

shall be drawn along the said road in any carriage whatever, between the said first days of November and May, nor more than eight tons during the residue of the year; that no cart, wagon, or carriage of burden whatsoever, whose wheels shall not be of the breadth of nine inches, shall be drawn or pass in or over the said road, or any part thereof, with more than six horses, nor shall more than eight horses be attached to any carriage whatsoever used on the said road. And if any wagon or other carriage shall be drawn along the said road by a greater number of horses, or with a greater weight than is hereby allowed, the owner or owners of such carriage shall forfeit and pay four times the customary toll, to the use of the company. Provided always, That it shall and may be lawful for the said company, by their by-laws, to alter any or all of the regulations herein contained, respecting the burdens on carriages to be drawn over the said road, and to substitute other regulations, if upon experience such alterations shall be found conducive to the public good. Provided always, That such regulations shall not lessen the burdens of carriages above described.

[Section XIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That all such carriages as aforesaid, to be drawn by oxen in the whole, or partly by horses and partly by oxen, two oxen shall be estimated as equal to one horse, in charging all the aforesaid tolls, and every mule as equal to one horse.

[Section XIV.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That if the said company shall neglect to keep the said road in good and perfect order, for the space of five days, and information thereof shall be given to any justice of the peace of the neighborhood, within the county where the repair ought to be made, such justice shall issue a precept to be directed to any constable, commanding him to summon three disinterested persons, to meet at a certain time in the said precept to be mentioned, at the place in the said road which shall be complained of, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto, within the said county, and the said justice shall, at such time and place, on the oaths or affirmations of the said persons, inquire whether the said

shall have traveled along the said turnpike road, or shall demand and receive greater toll from any person or persons than such toll-gatherer is authorized to demand and receive by virtue of this act, such toll-gatherer shall forfeit and pay the sum of twenty dollars, for every such offence, to the use of the overseers of the poor of the township in which the forfeiture is incurred, and for the payment of which the said company shall be responsible.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That no wagon or other carriage with four wheels, the breadth of which wheels shall not be four inches, shall be drawn along the said road between the first day of November and the first day of May following, in any year, with a greater weight thereon than two and a half tons, or with more than three tons the residue of the year; that no such carriage, the breadth of whose wheels shall not be seven inches, or being six inches or more, shall not roll at least ten inches, shall be drawn along the said road between the said first days of November and May with more than three and a half tons, or with more than four tons during the residue of the year; that no such carriage, the breadth of whose wheels shall not be ten inches or more, or being less, shall not roll at least twelve inches, shall be drawn along the said road between the first days of November and May with more than five tons, or with more than five and a half tons during the residue of the year; that no cart or other carriage with two wheels, the breadth of whose wheels shall not be four inches shall be drawn along the said road with a greater weight thereon than one and a quarter tons, between the said first days of November and May, or with more than one and a half tons during the residue of the year; that no such carriage, whose wheels shall not be the breadth of seven inches, shall be drawn along the said road with more than two and a half tons, between the first days of November and May, or with more than three tons during the residue of the year; that no such carriage whose wheels shall not be of the breadth of ten inches, shall be drawn along the said road between the said first days of November and May with more than three and a half tons, or with more than four tons during the residue of the year; that no greater weight than seven tons

shall be drawn along the said road in any carriage whatever, between the said first days of November and May, nor more than eight tons during the residue of the year; that no cart, wagon, or carriage of burden whatsoever, whose wheels shall not be of the breadth of nine inches, shall be drawn or pass in or over the said road, or any part thereof, with more than six horses, nor shall more than eight horses be attached to any carriage whatsoever used on the said road. And if any wagon or other carriage shall be drawn along the said road by a greater number of horses, or with a greater weight than is hereby allowed, the owner or owners of such carriage shall forfeit and pay four times the customary toll, to the use of the company. Provided always, That it shall and may be lawful for the said company, by their by-laws, to alter any or all of the regulations herein contained, respecting the burdens on carriages to be drawn over the said road, and to substitute other regulations, if upon experience such alterations shall be found conducive to the public good. Provided always, That such regulations shall not lessen the burdens of carriages above described.

[Section XIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That all such carriages as aforesaid, to be drawn by oxen in the whole, or partly by horses and partly by oxen, two oxen shall be estimated as equal to one horse, in charging all the aforesaid tolls, and every mule as equal to one horse.

[Section XIV.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That if the said company shall neglect to keep the said road in good and perfect order, for the space of five days, and information thereof shall be given to any justice of the peace of the neighborhood, within the county where the repair ought to be made, such justice shall issue a precept to be directed to any constable, commanding him to summon three disinterested persons, to meet at a certain time in the said precept to be mentioned, at the place in the said road which shall be complained of, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto, within the said county, and the said justice shall, at such time and place, on the oaths or affirmations of the said persons, inquire whether the said

road, or any part thereof, is in such good and perfect order and repair as aforesaid, and shall cause an inquisition to be made, under the hands of himself and a majority of the said persons, and if the said road shall be found by the said inquisition to be out of order and repair, contrary to the true intent and meaning of this act, the said justice shall certify and send one copy of the said inquisition to each of the keepers of the turnpikes or gates between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put in good and perfect order and repair as aforesaid. And if the same shall not be so put into good and perfect order and repair before the next general court of quarter sessions of the peace, to be held for the county in which the defect is proved to be, the aforesaid justices shall certify and send a copy of the inquisition aforesaid to the justices of the said court, and the said justices shall thereupon cause process to issue, and bring in the body or bodies of the person or persons intrusted by the company with the care and superintendence of such part of the said road as shall be so found defective, and shall proceed upon such inquisition, in the same manner and form as upon indictments found by the grand inquest for the body of the county against supervisors of the highways, for neglect of their duty; and if the person or persons intrusted by the said company as aforesaid, shall be convicted of the offence by the said inquisition charged, the said court shall give such judgment, according to the nature and aggravation of the neglect, as according to right and justice would be proper in the case of supervisors of the highways neglecting their duties; and the fines and penalties so to be imposed, shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said court, and shall be paid to the supervisors of the highways of the township wherein the offence was committed, to be applied to repairing the public roads within such township.

[Section XV.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons whomsoever, owning, riding in, or driving any sulkey, chair, chaise,

phaeton, cart, wagon, wain, sleigh, sled, or other carriage of burden or pleasure, or owning, riding, leading, or driving any horse, mare, gelding, hogs, sheep, or other cattle, shall therewith pass through any private gates or bars, or along or over any private passageway, or other ground, near to or adjoining any turnpike or gate erected, or which shall be erected, in pursuance of this act, with an intent to defraud the company, and avoid the payment of the toll or duty for passing through any such gate or turnpike, or if any person or persons shall, with such intent, take off, or cause to be taken off, any horse, mare or gelding, or other cattle from any sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled or other carriage of burden or pleasure, or practice any other fraudulent means or device, with the intent that the payment of any such toll or duty may be evaded or lessened, all and every person or persons, in all or every or any of the ways or manners aforesaid offending, shall, for every such offence, respectively, forfeit and pay to the president, managers and company of the Germantown and Perkiomen turnpike road, the sum of ten dollars, to be sued for and recovered, with costs of suit, before any justice of the peace, in like manner, and subject to the same rules and regulations as debts under twenty pounds may be sued for and recovered. Provided always, That if any person or persons shall be prosecuted under this section of the act, and the said prosecution shall not be sustained on the part of the prosecutors, then and in such case the person or persons prosecuted as aforesaid, shall receive from the company the sum of ten dollars, in lieu of damages arising from delay and a vexatious prosecution, recoverable as other fines under this act.

[Section XVI.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That the president and managers of the said company shall keep fair and just accounts of all moneys, received by them from the said commissioners, and from the subscribers to the said undertaking on account of the several subscriptions, and of all penalties for delay in the payment thereof, and of the amount of the profits on the shares which may be forfeited as aforesaid, and also all moneys by them expended in the prosecution of their said work, and shall once at least in every year, submit such accounts to a general meeting

of the stockholders, until the said road shall be completed, and until all the costs, charges and expenses of effecting the same shall be fully paid and discharged and the aggregate amount of such expenses shall be liquidated and ascertained; and if upon such liquidation, or whenever the capital stock of the said company shall be nearly expended, it shall be found that the said capital stock will be insufficient to complete the said road, according to the true intent and meaning of this act, it shall and may be lawful for the said president, managers and company, at a stated or special meeting, to be conveyed according to the provisions of this act, or their own by-laws, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to receive and demand the moneys subscribed for such shares, in like manner and under the like penalties as are hereinbefore provided for the original subscriptions, or as shall be provided by their by-laws.

[Section XVII.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That the said president, managers and company shall also keep a just and true account of all and every the moneys received by their several and respective collectors of tolls, at the several and respective gate or turnpikes on the said road, from the beginning to the end thereof, and shall make and declare a dividend of the clear profits and income thereof, all contingent costs and charges being first deducted, among all the subscribers to the said company's stock, and shall, on the first Monday in November and May in every year, publish the half yearly dividend made of the said clear profits among the stockholders, and of the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

[Section XVIII.] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall, at the end of every year from the date of the incorporation, until the whole road shall be completed, lay before the general assembly of this commonwealth, an abstract of their accounts, showing the whole amount of capital expended in prosecution of the said work, and of the income and profits arising from the said tolls, for and during the said respective periods,

together with an exact account of the cost and charges of keeping the said road in repair, and all other contingent costs and charges, to the end that the clear annual income and profits thereof may be ascertained and known; and if at the end of two years after the said road shall be completed from the beginning to the end thereof, it shall appear from the average profits at the end of the said two years, that the said clear income and profits thereof will not bear a dividend of six per cent. per annum on the whole capital stock of the said company so expended, then it shall and may be lawful for the said president, managers and company to increase the tolls hereinabove allowed so much upon each and every allowance thereof, as will raise the dividend up to six per cent. per annum; and at the end of every year after the said road shall be completed, they shall render unto the general assembly a like abstract of their accounts; and if at any time the said clear income and profits thereof shall exceed a dividend of nine per cent. per annum, the surplus above that amount, when sufficient shall arise, shall be appropriated by the said president and managers to the purchase of such share or shares of the said stock, as the money arising from the said surplus as aforesaid will be found adequate to purchase, until all the said shares shall be so purchased. And the said subscribers shall determine by lot from time to time, whose share or shares shall be paid off by the money arising as aforesaid, for which shares the said company shall pay the sums which were originally paid for each respective share; and when the whole number of shares shall be purchased as aforesaid, then the said road shall be free, and no toll whatever shall be exacted.

[Section XIX.] (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That the said company shall cause posts to be erected and continued, at the intersection of every public road falling into and leading out of the said turnpike road, with a board and index hand pointing to the direction of such road, on both sides whereof shall be inscribed, in legible characters, the name of the town, village or place to which such road leads, and the distance thereof in computed miles.

[Section XX.] (Section XX, P. L.) And be it further enacted by the authority aforesaid, That the said company shall

cause mile-stones to be placed on the side of the said road, beginning at the distance of one mile from Philadelphia, and extending thence to the termination of the turnpike aforesaid, whereon shall be marked, in plain legible characters, the respective number of miles which each stone is distant from the bounds of the city of Philadelphia, and at every gate or turnpike by them to be fixed on the said road, shall cause the distance from Philadelphia to be marked, in legible characters, designating the number of miles and fractions of a mile on the said gates, or some other conspicuous place, for the information of travelers and others using the said road; and if any person shall wilfully destroy the said posts, boards, index hands or milestones, or deface the same, or deface the directions made on the said gates, or other conspicuous places as aforesaid, or shall, without permission of the acting superintendent of the said road, throw out upon the road, or within the limits of the same, and suffer to remain for the space of one day, any mould, dirt, shavings, weeds, or rubbish of any kind, such person, being convicted thereof by the evidence of one or more credible and disinterested witnesses, before any disinterested justice of the peace of the county, he or she shall be adjudged by the said justice to pay a fine not exceeding five dollars, to be recovered, with costs, as debts under five pounds are by law recoverable; which fine, when recovered, shall be paid by the said justice to the treasurer of the said company, for the use of said company.

[Section XXI.] (Section XXI, P. L.) And be it further enacted by the authority aforesaid, That all wagoners and drivers of carriages of all kinds, whether of burden or pleasure, using the said road, shall, except when passing by a carriage of slower draught, keep their horses and carriages on the right hand side of the said road in the passing direction, leaving the other side of the road free and clear for other carriages to pass and to repass; and if any driver shall offend against this provision, he shall forfeit and pay the sum of two dollars, to any person who shall be obstructed in his passage and will sue for the same, to be recovered, with costs, before any justice, in the same manner as debts under forty shillings are by law recoverable.

notice in three public newspapers in Philadelphia, one whereof shall be in the German language, of the time and place by them appointed for the said subscribers to meet, in order to organize the said corporation, and to choose, by a majority of votes of the said subscribers, by ballots to be delivered in person or by proxy duly authorized, one president, twelve managers, one treasurer, and such other officers as shall be deemed necessary to conduct the business of the said company until the second Monday in November next, and until like officers shall be chosen; and may make such by-laws, rules, orders and regulations as do not contravene the constitution and laws of this commonwealth, and may be necessary for the well-governing the affairs of the said company. Provided always, That no person shall have more than five votes at any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to and that each person shall be entitled to one vote for every share by him held under the said number.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said company shall meet on the second Monday of November in every year, at such place as shall be fixed by their by-laws, for the purpose of choosing such other officers as aforesaid for the ensuing year, in manner aforesaid, and at such other times as they shall be summoned by the managers, in such manner and form as shall be prescribed by their by-laws, at which annual or special meetings they shall have full power and authority to make, alter or repeal, by a majority of votes, in manner aforesaid, all such by-laws, rules, orders and regulations made as aforesaid, and to do and perform any other corporate act.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the president and managers, first chosen as aforesaid, shall procure certificates for all the shares of the stock of the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person for every share by him subscribed and held, he paying fifteen dollars for each share, which certificate shall be

transferable at his pleasure, in person or by attorney duly authorized, in the presence of the president or treasurer, subject, however, to all payments due and to grow due thereon. And the assignee holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for the purpose, shall be a member of the corporation, and for every certificate assigned to him as aforesaid, shall be entitled to one share of the capital stock, and of all the estate and emolument of the company, and to vote as aforesaid at the meetings thereof.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall meet at such times and places as shall be ordained by their by-laws, and when met, seven members shall form a quorum, and who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions fairly entered in a book, and a quorum being formed, they shall have full power and authority to appoint all such surveyors, engineers, superintendents, and other artists and officers as they shall deem necessary to carry on their intended works, and to fix their salaries and wages, to ascertain the times when and manner and proportion in which the stockholder shall pay the moneys due on their respective shares, to draw on the bank of Pennsylvania for all moneys as shall have been so as aforesaid deposited, necessary to pay the salaries or wages of persons by them employed, and for the materials provided, which drafts shall be signed by the president, or in his absence, by a majority of a quorum, and countersigned by their treasurer, and generally to do all such other acts, matters and things as by this act, and by the by-laws, rules, orders and regulations of the company, they shall be authorized to do.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That if, after thirty days' notice in three of the public newspapers printed in the city of Philadelphia, of the time and place appointed for the payment of any proportion or dividend of the said capital stock, in order to carry on the work, any stockholder shall neglect to pay such

are hereby, empowered and authorized to sell the lazaretto on State island, and the ground therewith reserved and therewith occupied, and appropriate the proceeds to the completion of the new one now erecting on Tinicum island.

Passed February 14, 1801.

CHAPTER MMCLXXXII.

AN ACT SUPPLEMENTARY TO AN ACT, ENTITLED, "AN ACT TO PREVENT INTRUSIONS ON LANDS WITHIN THE COUNTIES OF NORTHAMPTON, NORTHUMBERLAND AND LUZERNE," PASSED THE ELEVENTH DAY OF APRIL, ONE THOUSAND SEVEN HUNDRED AND NINETY-FIVE.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That in all trials on indictments for taking possession of, entering, intruding, or settling on any lands founded on the act to which this act is supplementary, proof that the person indicted entered into, intruded, settled on, or was in possession of the said land before the time of finding the said indictment, shall be sufficient to convict such person of the offence charged in the indictment, unless the said person indicted shall prove that he or she entered upon, took possession of, or settled on such land before the time of the passing of the said act, to which this is supplementary, or that he or she had, at the time of his or her entering into, taking possession of, or settling on such land, a good and bona fide title to such land, derived from or under this commonwealth, or the proprietors of Pennsylvania before the revolution.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That if any person shall be convicted of a second offence against the act to which this act is supplementary, on an indictment for taking possession of, entering, in-

truding, or settling on any lands, such person, upon such second conviction, shall forfeit and pay the sum of five hundred dollars, one-half to the use of the county, and the other half to the use of the informer, and shall also be subject to such imprisonment at hard labor, not less than six months nor exceeding two years, as the court before whom such second conviction is had in their discretion shall direct. And if any person shall be convicted as aforesaid more than twice, the court before whom such subsequent conviction is had may, in their discretion, adjudge that the person so convicted shall be imprisoned at hard labor, for any term not less than two years nor exceeding seven years, and pay a sum not less than five hundred dollars nor more than one thousand dollars, one-half to the use of the county, and the other half to the use of the informer.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the governor shall be, and he is hereby, authorized and empowered to appoint an agent, whose duty it shall be to make diligent inquiry into all offences committed, or to be committed, against the act to which this is supplementary, and for the purpose of making such inquiry, the said agent, and all persons acting under his authority, shall have power to enter upon any lands within the counties of Northampton, Wayne, Northumberland, Luzerne and Lycoming, and to do any acts necessary for ascertaining the said tract of land on which any intruder lives, or any intrusion has been made. And the said agent shall, as quickly as possibly, and from time to time, send to the attorney general, or his deputy in the proper county, a written account of the names of all offenders discovered by him, together with the names of the necessary witnesses, and the best information in his power on all matters necessary for prosecuting the offenders, or any or either of them.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That, from and after the passing of this act, every male person above the age of twenty-one years, who shall come to reside in this commonwealth, within the counties of Wayne, Northampton, Luzerne, Northumberland or Lycoming shall, within three months from the time of his arrival

within the limits aforesaid, deliver to the aforesaid agent, or to the constable of the township, or to the sheriff of the county in which he resides, or one of his deputies, a written declaration of his name and place of abode, and of the American state or the foreign country in which he last resided, and also whether he claims any, and if any, what lands within the bounds of the commonwealth, under a title derived directly or indirectly from or through the colony or state of Connecticut, or the Delaware or Susquehanna company, and every such person who shall not have delivered such declaration within the time aforesaid, shall be subject to the penalty of forty dollars, one-half to the use of the county, the other half to the use of the informer, to be recovered before any justice of the peace, together with legal costs. And every officer aforesaid, to whom any such declaration shall be delivered, shall return the same to the next court of quarter sessions to be held in his county, under the penalty of one hundred dollars for every default, to be recovered on conviction on indictment in any court of quarter sessions, or of oyer and terminer to be held in the proper county, one-half to the use of the informer, the other half to the use of the county; and the several clerks of the courts of quarter sessions shall carefully preserve among their public papers to be filed and recorded, all declarations delivered to them as aforesaid.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That if any person shall resist or obstruct the aforesaid agent, or any person acting under his authority, or under the authority of this act, every person, so offending, and every person who shall be an accessory before or after the fact, as also those who shall conspire to resist or obstruct the said agent, or any person acting under his authority or under the authority of this act, shall, on conviction, forfeit and pay, for every such offence, a sum not exceeding one thousand dollars, and shall also be subject to imprisonment at hard labor, for any period not more than seven years, as the court in their discretion shall direct.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That in all actions of ejectment hereafter to be brought in this commonwealth, for any lands to which

he is hereby directed, to order out a sufficient part of the militia of the commonwealth, for the protection of all persons acting under the authority of this act; and the detachments so ordered out shall receive the same pay and rations, and be subject to the same rules and regulations as are provided in other cases.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the governor be, and he is hereby, authorized and directed to issue his proclamation, forbidding all future intrusions, and enjoining and requiring all persons who have intruded, contrary to the provisions of the act to which this act is supplementary, to withdraw peaceably from the lands whereon such intrusions have been made, and enjoining and requiring all officers of government, and all good citizens of the commonwealth, to prevent, or prosecute by all legal means, such intrusions and intruders, and to render in their several capacities the most prompt and effectual aid for carrying into full execution the provisions of this act, and the act to which this is supplementary.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the prothonotaries of the several courts of common pleas of the counties of Northampton, Wayne, Northumberland, Lycoming and Luzerne, and they are hereby respectively enjoined and required to read, or cause to be read, in open court, this act, and the act to which this act is supplementary, at least once in each of the four terms next after receiving it.

[Section XIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That all expenses which may arise under this act, shall be paid out of any unappropriated moneys which may be in the state treasury, on warrants drawn by the governor for that purpose.

Passed February 16, 1801.

canal between the river Delaware and the Chesapeake Bay," did enact that it should be lawful to open books for receiving and entering subscriptions to the amount of five hundred thousand dollars, in shares of two hundred dollars each share, for the cutting said canal and perfecting the navigation thereof, under the management of certain persons, and at certain places, in the said act for that purpose nominated and appointed, and under the management of such persons and at such places, in Delaware and Pennsylvania, as should be appointed by acts of the legislature of the said states, and by the said act did also provide and declare that the same should be of no force or effect, until a law should be passed by the state of Delaware, authorizing the cutting the canal aforesaid, and until a law should be passed by the legislature of Pennsylvania, declaring the river Susquehanna to be a highway, and authorizing individuals or bodies corporate to remove obstructions therefrom, at a period not exceeding three years from the first day of March, eighteen hundred. And whereas it will greatly promote the agricultural interests of this commonwealth to give to the inhabitants residing on or near the Susquehanna, and the waters which empty themselves therein, a choice of markets for their produce, and an easy communication with and a cheap conveyance to the seaports of Maryland, Delaware and Pennsylvania, and the cutting and perfecting the said canal, and clearing the bed of the Susquehanna, will contribute in an important manner to so desirable an end, and will be highly beneficial to the citizens of the said states, and is just and reasonable that the same should be carried into effect, upon the principles of reciprocal advantage to the said states. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall be lawful to open books for receiving and entering subscriptions to the amount of five hundred thousand dollars, in shares of two hundred dollars each share, for the cutting the said canal, and perfecting the navigation thereof, under the management of Levi Hollingsworth, John Hunn, James C. Fisher, Benjamin R. Morgan and Jonathan Bayard Smith, at the city of Philadelphia, and William Mont-

signs, from the time of their said first meeting, shall be, and they are hereby, declared to be incorporated, by the name of the Chesapeake and Delaware Canal Company, and may have perpetual succession, and sue and be sued as such, and shall have, possess and enjoy all the rights, powers and privileges; shall choose their president and directors, demand, receive and enforce the payment of tolls, and make dividends thereof, and have all other powers vested in the said corporation, and declared to appertain to the same, in and by the aforesaid recited act of the legislature of Maryland, in as full and ample a manner, as if the said act was herein set forth, fully and at large, and enacted in the same words by this present legislature, and shall derive no other powers under this act, but such as are set forth in the said act of the legislature of Maryland, or necessarily incident to a corporation.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for an agent or agents, hereafter to be appointed by the governor of the state of Delaware, to have free access to the papers in the land offices of this commonwealth; and under the superintendence of the principals of said offices, to transcribe and copy, or procure to be transcribed and copied, under the care and direction of the said agent or agents, in one or more well bound books in folio, all such warrants, surveys or re-surveys, patents, grants, and other original papers, as may be found in the land office, or in any other public office of this commonwealth, which in any wise relates to, or make the title, or part of the title of lands, tenements or hereditaments within the state of Delaware, and which cannot be removed without injuring or spoiling the records or other papers in the said office or offices, and also to remove all such original warrants, surveys, re-surveys, patents, grants and other papers in the said land office, or other offices of this state, which in anywise relate to, or make the title of lands, tenements or hereditaments within the said state of Delaware, and which can be removed and separated from the records and papers in the land office, or other offices of this state, without injury to the commonwealth or citizens of Pennsylvania.

[Section IV.] (Section IV, P. L.) And be it further enacted
by the authority aforesaid, That so much of the act, entitled, "An

CHAPTER MMCLXXXVII.

AN ACT TO RE-ANNEX PART OF FRANKLIN TOWNSHIP, IN THE COUNTY OF WESTMORELAND, TO THE FIFTH ELECTION DISTRICT IN SAID COUNTY.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That all that part of Franklin township, in the county of Westmoreland, that lies south of the new Frankstown road be, and it is hereby, re-annexed to the fifth election district in said county; and the electors thereof shall hold their elections at the courthouse in the borough of Greensburg, anything in any former law or laws to the contrary notwithstanding.

Passed February 21, 1801.

CHAPTER MMCLXXXVIII.

AN ACT TO ERECT THE COUNTY OF WARREN, AND PARTS OF CRAWFORD AND VENANGO COUNTIES, INTO SEPARATE ELECTION DISTRICTS.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, the county of Warren shall be, and the same is hereby, erected into a separate election district; and the electors thereof shall hold their general elections at the house now occupied by Robert Andrews, in said county, and to be called the first district, any law to the contrary hereof notwithstanding.

CHAPTER MMCXCII.

AN ACT FOR EXTENDING THE LIMITS OF THE BOROUGH OF BRISTOL
IN THE COUNTY OF BUCKS, AND FOR OTHER PURPOSES.

Whereas the present boundary of the borough of Bristol intersects several lots or parcels of land in such manner, as to make it inconvenient and prejudicial to the inhabitants and owners thereof. And whereas, by petition of the burgesses, high constable, common council and inhabitants, they have prayed the limits thereof may be extended, with powers to open and regulate the streets, lanes and alleys within the same. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, the boundaries of the borough of Bristol shall be as follows, to wit: Beginning at the mouth of Mill creek, where it empties into the river Delaware; from thence extending by the channel of the same creek, upwards by the several courses thereof, to a bridge called Otter's bridge; thence by lands formerly Joseph Bond's, north fifty-two degrees east ninety-six perches to a post; thence north thirty-nine degrees east fifty-five perches to a post; thence by the Waste and Milldam southeast fifty-eight perches; thence up the several courses of the Mill-pond, on lands of Phineas Buckley, to a stream of water running from the said Mill-pond, to the river Delaware, commonly called Adam's hollow; thence down the several courses of the river Delaware to the place of beginning.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the burgesses, common council, and other officers of the said borough be, and they are hereby, authorized to lay out, open and regulate streets and alleys, for

them, for which purpose the county commissioners are hereby authorized to draw warrants on their respective treasurers, in favor of the said commissioners appointed as aforesaid.

Passed February 23, 1801.

CHAPTER MMCXCIV.

A FURTHER SUPPLEMENT TO THE ACT, ENTITLED, "AN ACT FOR DIRECTING THE MODE OF DISTRIBUTING THE DONATION LANDS PROMISED TO THE TROOPS OF THIS COMMONWEALTH."

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the comptroller general shall furnish to the secretary of the land office, a list of the names of those persons whose lots in running the boundary line of this state fell into the state of New York, who have received no equivalent, and also a list of the number of lots reserved in lieu thereof, agreeably to an act passed the thirtieth day of September, one thousand seven hundred and ninety-one, to which shall be added eight lots, to be taken from the undrawn lots in any district such applicant shall choose, not already appropriated, from which lots the said persons shall choose other lots, instead of those they have lost, and shall have priority in the order in which they apply. Provided such application is made within three years from the passing of this act, personally by the applicant himself, or his widow or children, or by his, her or their attorney; and if any fraud should be suspected by the secretary of the land office, or if any difference should arise between applicants, the board of property shall investigate and decide as in other cases; and it shall be the duty of the secretary of the land office to call on the attorney so applying, to declare, on oath or affirmation, that he hath no interest in the claim, otherwise than to serve the applicant.

[Section II.] (Section II, P. L.) And be it further enacted
by the authority aforesaid, That the comptroller general shall

CHAPTER MMCXCV.

AN ACT DIRECTING THE PLACE OF HOLDING THE ELECTIONS IN LONDONDERRY TOWNSHIP, IN THE COUNTY OF BEDFORD.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, the electors of Londonderry township, in the county of Bedford, shall hold their elections at the house now occupied by Andrew Shearer, within said township, any former law to the contrary thereof notwithstanding.

Passed February 23, 1801.

CHAPTER MMCXCVI.

AN ACT TO EMPOWER THE GOVERNOR TO NEGOTIATE A LOAN FOR FOR THE USE OF THE COMMONWEALTH.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor be, and he is hereby, authorized, during the recess of the legislature, to negotiate a loan, on the faith and for the use of the state, with the Bank of Pennsylvania, or either of the other banks established in the city of Philadelphia, for a sum of money not exceeding twenty thousand dollars: Provided the exigencies of the state should render such a loan necessary. And provided also, That the rate of interest to be allowed on the sum borrowed shall not exceed six per centum per annum.

Passed February 23, 1801.

before the court of common pleas in Adams county, where said estate lies, that all the money arising from the sales authorized by this act shall, after paying the debts, be so disposed of by them, as will be most for the interest of the heirs of the said James Black, a lunatic.

Passed February 25, 1801.

CHAPTER MMCXCVIII.

AN ACT EMPOWERING THE MINISTERS, VESTRY-MEN AND CHURCH WARDENS OF THE GERMAN LUTHERAN CONGREGATION, IN AND NEAR THE CITY OF PHILADELPHIA, TO CONVEY BY DEED OF GIFT, THE CHURCH AND GLEBE LAND, WITH THE APPURTENANCES, KNOWN BY THE NAME OF BARREN HILL CHURCH, SITUATE IN THE TOWNSHIP OF WHITE MARSH, IN THE COUNTY OF MONTGOMERY, TO CERTAIN PERSONS THEREIN NAMED.

Whereas the ministers, vestrymen and church wardens of the German Lutheran congregation, in or near the city of Philadelphia, by their memorial, have represented to the legislature, that about the year one thousand seven hundred and fifty-nine, a church or house of worship was built at Barren Hill, in the township of White Marsh, then in the county of Philadelphia, but now in the county of Montgomery, by the German inhabitants of Barren Hill and its neighborhood, professing to be Lutherans, on a piece of land bought of Philip Sharp, and which was afterwards conveyed to the said memorialists, as hereinafter mentioned. That in erecting said church, debts had been incurred to the amount of about seven hundred pounds, which the said congregation at Barren Hill was unable to discharge; that upon the same having been made known to a certain person in Germany, to whom was intrusted the distribution of a certain legacy, bequeathed by Count Solms, to be applied to certain charitable and religious purposes in Pennsylvania, he had directed that the said debts should be discharged out of the said legacy in expectation that the said congregation at Barren Hill would be enabled to

repay the same at some future day. That thereupon the said debts had been accordingly paid and discharged out of the aforesaid legacy, by the late Reverend Henry Muhlenberg

in Europe, of the said legacy, in trust, that they and their assigns, should permit and suffer divine service, agreeably to the doctrine and rites of that branch of protestants called Lutherans, to be celebrated in the said church. That the said congregation at Barren Hill were unable to repay the moneys which had been so paid or advanced for them, and not considering the said church to be their own, they had suffered it to go to ruin. That these things having been communicated to the said lessees, director and trustees, in Europe, of the said legacy, they had directed that the said lease should be given up to the said memorialists and canceled (which they state to have been done) and that the said memorialists should grant and convey the said church and glebe land to the said congregation at Barren Hill, in gift in fee simple. That the said congregation at Barren Hill have elected Henry Katz, Leonard Kolb, and John Heins, three of their members, as trustees, and are desirous that the said church and glebe land be conveyed to them, in trust for the said congregation. That according to their charter of incorporation, the said memorialists cannot grant, alien, or otherwise dispose of any real estate vested in them. That agreeably to one of the fundamental articles of the congregation the said memorialists cannot carry any matter of weight into effect, without the consent of two-thirds of the members of the congregation being first obtained. That the said memorialists, being unanimously desirous of making application to the legislature, for an act authorizing them to convey the aforesaid premises, in manner required of them; but not having authority to make such application, without the consent of two-thirds of the congregation as aforesaid, the said proceedings had been duly communicated to the congregation, who had been at the same time legally noticed to meet on Thursday, the twenty-ninth day of January last, in the vestry room of the congregation, and signify, by ballot, their approbation or disapprobation of the said memorialists making such application to the legislature. That accordingly, on the said twenty-ninth day of January, a meeting of the congregation had been had for the aforesaid purpose, when, upon counting the votes, it had appeared that the congregation were unanimously in favor of the said memorialists making such application; the said memorialists therefore praying

the legislature to enact a law authorizing the said memorialists to

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That, from and after the passing of this act, the electors of Union township district, in the county of Mifflin, shall hold their general elections at the house now or late occupied by John Reed, in the town of Bellville, in the said district.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That, from and after the passing of this act, the townships of Potter and Ferguson, in Centre county, shall be an election district, to be called the second election district; and the electors thereof shall hold their elections at the house now occupied by John Benner, in Potter's township aforesaid.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That, from and after the passing of this act, the townships of Patton and Warriormark, in Centre county, shall be annexed to the first election district; and the electors thereof shall hold their elections with the electors of the townships of Spring and Centre, at the place where the courts are held, in the town of Bellefonte, any law to the contrary notwithstanding.

Passed February 25, 1801.

CHAPTER MMCC.

AN ACT TO EXTEND AND FURTHER CONTINUE AN ACT, ENTITLED, "A SUPPLEMENT TO THE SEVERAL ACTS RELATIVE TO ESTABLISHING TOWN AND OUT LOTS, AND SELLING THE SAME, WITHIN THE RESERVED TRACTS OF LAND ADJOINING ERIE, FRANKLIN, WARREN AND WATERFORD.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the act, entitled, "A supplement

CHAPTER MMCCII.

A SUPPLEMENT TO THE ACT, ENTITLED, "AN ACT TO EXTEND THE POWERS OF THE JUSTICES OF THE PEACE IN THIS STATE," PASSED THE NINETEENTH DAY OF APRIL, ONE THOUSAND SEVEN HUNDRED AND NINETY-FOUR.¹

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, the same stay of execution shall be allowed on all judgments hereafter to be filed by the prothonotary of any court in this commonwealth, agreeably to the third section of the act, entitled, "An act to extend the powers of the justices of the peace in this state," as if such cause had remained before and was finally concluded and ended by the justice before whom such judgment was originally obtained.

Passed February 26, 1801.

CHAPTER MMCCIII.

AN ACT TO EXTEND THE TIME FOR THE SALE OF THE REAL ESTATE OF ANDREW BOYD, LATE TREASURER OF CHESTER COUNTY.

Whereas Andrew Boyd, late treasurer of Chester county, did, on the settlement of his accounts with the comptroller general, become indebted to this commonwealth for arrearages of state taxes, in the sum of two thousand three hundred and eighty-six pounds fourteen shillings and four pence, for the security of which sum the said Andrew Boyd did convey a real estate, situate

¹Chapter 1754.

CHAPTER MMCCV.

AN ACT TO AUTHORIZE WILLIAM TURNBULL, REPRESENTATIVE OF WILLIAM TURNBULL AND COMPANY, AGENTS FOR THE ROYAL MARINE OF FRANCE, TO COMMENCE A SUIT AGAINST THE COMMONWEALTH.

Whereas it is represented to the legislature that William Turnbull and company, agents for the royal marine of France, in the course of their agency, became entitled to a credit from the state in favor of the said royal marine, in the sum of twenty-eight thousand three hundred and thirty-four pounds fourteen shillings, continental money, arising from transactions, which are fully detailed in a memorial presented by William Turnbull, the representative of the said agents, to the legislature. And whereas it is just that the said William Turnbull should have an opportunity of substantiating the claim, as set forth by him in the said memorial. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That William Turnbull be, and he is hereby, authorized to commence an action against the commonwealth, in the supreme court, for the moneys claimed by him of this commonwealth, to which action the attorney general is hereby authorized and directed to appear on behalf of the said commonwealth, as defendant, and plead the general issue.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That upon the trial aforesaid, the jury shall inquire, ascertain and determine whether any and what sum is due from the commonwealth to the said William Turnbull, and if the said jury shall find for the plaintiff, and judgment be given thereupon, the governor is hereby authorized and required to draw, in the usual manner, a warrant on the state treasurer, for

the sum of money which shall be found due; and the said treasurer shall pay the same out of any unappropriated moneys in his hands.

Passed February 26, 1801.

CHAPTER MMCCVI.

AN ACT TO ENLARGE TWO ELECTION DISTRICTS, AND TO CHANGE THE PLACE OF HOLDING ELECTIONS OF THE SECOND DISTRICT IN THE COUNTY OF LYCOMING.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That those parts of Muncy township, on the west of a line to begin at the mouth of Workman's run; thence up the said run to the head waters thereof; thence a due north course to the county line, shall be annexed to the first election district; and the electors thereof shall hold their elections at the county court house, at Williamsport.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the residue of the electors of Muncy township, and those townships composing the second election district, shall hold their elections at the house now occupied by Jacob Mirril, in the town of Pennsburg, in Muncy creek township.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That those parts of Baldeagle township, included within the bounds of said county, shall be annexed to the fourth election district; and the electors thereof shall hold their elections at the house lately occupied by Hugh Andrews, in the town of Dunsburg.

Passed February 26, 1801.

CHAPTER MMCCVII.

AN ACT TO REPEAL AN ACT, ENTITLED, "AN ACT FOR THE REGULATION OF THE MARKETS IN THE CITY OF PHILADELPHIA, AND FOR OTHER PURPOSES THEREIN MENTIONED," PASSED THE FIFTH DAY OF APRIL, ONE THOUSAND SEVEN HUNDRED AND SEVENTY-NINE.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the act, entitled, "An act for the regulation of the markets in the city of Philadelphia, and for other purposes therein mentioned," passed the fifth day of April, one thousand seven hundred and seventy-nine,¹ be, and is hereby, repealed.

Passed February 26, 1801.

CHAPTER MMCCVIII.

A SUPPLEMENT TO THE ACT, ENTITLED, "AN ACT TO ENABLE THE GOVERNOR OF THIS COMMONWEALTH TO INCORPORATE A COMPANY FOR MAKING AN ARTIFICIAL ROAD, FROM THE BOROUGH OF LANCASTER TO THE RIVER SUSQUEHANNA, AT OR NEAR WRIGHT'S FERRY."

For the more effectual preventing evasions of the salutary regulations intended in, and by the act incorporating a company for making an artificial road, from the borough of Lancaster to the river Susquehanna, at or near Wright's ferry.

¹Chapter 845.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That if any person or persons whomsoever, owning, riding in, or driving any sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled, or other carriage of burden or pleasure or owning, riding, leading, or driving any horse, mare, gelding, hogs, sheep or other cattle shall therewith pass through any private gate or bar, or along or over any private passageway, or other ground near to or adjoining any turnpike or gate, which shall be erected in pursuance of the act to which this is a supplement, with an intent to defraud the company, and evade the payment of the toll or duty for passing through any such gate or turnpike, or if any person or persons shall, with such intent, take off, or cause to be taken off, any horse, mare, gelding, or other cattle, from any sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled, or other carriage of burden or pleasure, or practice any other fraudulent means or device, with the intent that the payment of any such toll or duty may be evaded or lessened, or if any person or persons, having, claiming, or taking the benefit of any exemption or privilege by virtue of this act, or of the said recited act, or any clause, matter or thing herein or therein contained, not being entitled thereto, or committing any fraud or abuse thereof, either by him, her or themselves, or by giving any license to any other person or persons not entitled to such privilege or exemption, whereby or by means whereof the said tolls or duties might be lessened or evaded or with any such intent, all and every person and persons, in all and every or any of the ways or manners aforesaid offending, shall, for every such offence respectively, forfeit and pay to the president, managers and company of the Lancaster and Susquehanna turnpike road, any sum not lesse than four nor more than fifteen dollars, to be sued for and recovered, with costs of suit, before any justice of the peace, in like manner, and subject to the same rules and regulations, as debts under twenty pounds may be sued for and recovered.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall wilfully break, deface or pull up any milestone, which shall be placed in pursuance of the said recited act, on the side of the road laid out in pursuance thereof, or shall obliterate the letters or figures inscribed thereon or therein, or if any person or persons shall break, pull down, destroy, or injure any post to be erected in pursuance of the said recited act at the intersection of any road falling into and leading out of the said turnpike road, or the board or index hand affixed thereto, in conformity to the directions of the said recited act, or if any person or persons shall obliterate the letters or figures inscribed or fixed thereon, or if any person or persons shall destroy or obliterate, or in any wise injure or deface the letters, figures, or other characters marked at any turnpike or gate to be erected in pursuance of the said recited act, for all or any of the purposes therein mentioned, or the whole or any part or parts of any printed list of the rates of tolls, to be affixed in pursuance of the directions of the said recited act at any such gate or turnpike, he, she or they, so offending in the premises, shall, for every such offence, severally and respectively forfeit and pay to the said president, managers and company, the sum of twenty dollars, to be sued for and recovered, with costs of suit, before any justice of the peace, in like manner as aforesaid.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That for the purpose of ascertaining the weight that may be drawn along the said road in any cart, wagon, or other carriage of burden, it shall and may be lawful for the said president, managers and company to erect and establish scales and weights, at or near such and so many of the gates to be erected in pursuance of the said recited act, as they may think proper, and where there may seem reasonable cause to suspect that any cart, wagon or other carriage of burden carries a greater weight than is or shall be by law allowable, for their toll-gathers, or other persons in their service or employment, to prevent the same from passing such gate or turnpike, until such cart, wagon, or other carriage of burden shall be drawn into the scales, fixed or erected at or near any such gate or turnpike, and

CHAPTER MMCCIX.

AN ACT TO AUTHORIZE AND DIRECT THE TREASURER OF THIS COMMONWEALTH, TO RECEIVE FROM THE HEIRS OF THE LATE TREASURER DAVID RITTENHOUSE, CERTAIN CERTIFICATES OF FUNDED DEBT OF THE UNITED STATES, AND THE INTEREST THEREON, AND TO IDEMNIFY THE SAID HEIRS THEREFOR.

Whereas George Ross, formerly a judge of the court of vice-admiralty, paid over to the late David Rittenhouse, then treasurer of the commonwealth, certain continental certificates, amounting in the whole to twenty-four thousand seven hundred dollars, continental money, and the said David Rittenhouse, as treasurer, entered into a bond to indemnify the said George Ross, and his heirs, against any claim which might be made for the said certificates, which said bond, it is suggested, has been mislaid or lost. And whereas the said certificates were afterwards funded and produced as follows, viz.: Three thousand three hundred and seventeen dollars and thirty cents of stock, bearing an interest of six per cent. per annum; three thousand and twenty-seven dollars and eighty-eight cents, bearing an interest of three per cent. per annum; and one thousand six hundred and fifty-eight dollars and sixty-five cents of deferred six per cent. stock, the interest on which stock has been hitherto received by the said David Rittenhouse and his heirs; and whereas the heirs of the said David Rittenhouse have declared their readiness to transfer the said stock, and pay the said interest to the present treasurer, on receiving an indemnity. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the treasurer of this commonwealth be, and he is hereby, authorized and required to demand and receive of and from the heirs executors or administrators of the said David Rittenhouse, the certificates of the funded debt of the United States hereinafter mentioned, that is to say: certifi-

CHAPTER MMCCXI.

AN ACT DECLARING THE RIVERS CODORUS AND CONEWAGO, IN THE COUNTY OF YORK, PUBLIC HIGHWAYS, AND FOR OTHER PURPOSES THEREIN MENTIONED.

Whereas it has been represented to the legislature of this commonwealth, by a number of the inhabitants of York county living on and near the rivers Codorus and Conewago, that it would be of public utility to have the said rivers declared public highways. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, the river Codorus, in the county of York, from the forks thereof to the river Susquehanna, and the river Conewago, in the same county, from the mouth of the Bermudian creek to the same river Susquehanna, shall be, and are hereby, declared public highways.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the inhabitants desirous of using the navigation and improving the fisheries in the said rivers, to remove, under the orders and direction of the supervisors hereinafter named and appointed, or their successors in office, all natural and artificial obstructions out of the river Codorus, below the forks thereof, and out of the Conewago, below the mouth of Bermudian creek, except dams for mills, or other water works, at which it shall and may be lawful to erect such slopes and locks, as may be necessary for the passing of boats and fish through the same. Provided such slopes and locks be so constructed as not to impair or injure the works of said dams.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That nothing contained in this act shall be deemed, taken or understood to prevent any person or

county, that any dam or dams hereafter to be erected, is or are not constructed agreeably to the directions and provisions of this act, it shall and may be lawful for the said judges to appoint three commissioners to view every such dam or dams, from time to time, and to compare them to either of them with the limitations and provisions of this act, and report to the said judges at their next sessions the state thereof, which report, on oath or affirmation of such commissioners, if it contain a statement of facts constituting an offence against this act, shall be sufficient ground for the court to direct an indictment to the grand jury, and upon prosecution to conviction of an offence against this act, the party or parties convicted shall be liable to pay a fine not exceeding one hundred and fifty dollars, at the discretion of the court, and the said court shall adjudge so much of said dam or dams to be abated and altered, at the expense and charges of the owner or owners thereof, as shall bring the same within the limitations and provisions of this act, which fines shall be paid to the supervisors, for the time being, of the said river wherein the offence shall be committed, who are hereby empowered to apply the same for clearing and improving said river.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons whomsoever, from and after the passing of this act, shall erect, build, set up, repair or maintain, or shall be aiding, assisting, or abetting in erecting, building, setting up, repairing or maintaining, within the parts of said rivers hereby declared public highways, any wear, rack, basket, fishing dam, pound, or fix or fasten any net or nets, or brush across the said river or rivers, or across any slopes on dams thereby obstructing the navigation, or preventing the fish from going up, every such person, so offending, being legally convicted thereof before any justice of the peace of said county (who is hereby authorized to hear and determine the same) shall forfeit and pay any sum not less than four nor more than twenty dollars, for every such offence, one moiety thereof to the informer, and the other moiety thereof to be paid to the supervisors of the river in which the offence shall have been committed, to be applied as aforesaid.

the authority of the same, That until the next enumeration of taxable inhabitants, and an apportionment thereon shall be made, the senate, at a ratio of four thousand six hundred and seventy, shall consist of twenty-five senators. The city and county of Philadelphia, and the county of Delaware, shall compose a district and elect four senators; the county of Bucks shall compose a district and elect one; the county of Chester shall compose a district and elect one; the county of Montgomery shall compose a district and elect one; the counties of Berks and Dauphin shall compose a district and elect two; the county of Lancaster shall compose a district and elect two; the counties of York and Adams shall compose a district and elect two; the county of Northumberland shall compose a district and elect one; the counties of Northampton, Wayne and Luzerne shall compose a district and elect two; the county of Cumberland shall compose a district and elect one; the counties of Mifflin, Lycoming and Centre shall compose a district and elect one; the counties of Bedford, Huntingdon and Somerset shall compose a district and elect one; the county of Franklin shall compose a district and elect one; the the [sic.] counties of Westmoreland and Armstrong shall compose a district and elect one; the counties of Fayette and Green shall compose a district and elect one; the county of Washington shall compose a district and elect one; the counties of Allegheny, Beaver and Butler shall compose a district and elect one; and the counties of Crawford, Erie, Venango, Mercer and Warren shall compose a district and elect one.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That in those districts which are composed of more than one county, the judges of the district elections within each county, after having formed a return of the whole election within that county, in such manner as is directed by law, shall send the same, by one of their number, to the place hereinafter mentioned within the district, of which such county is a part, where the judges so met shall cast up the several county returns, and execute, under their hands and seals, one general and true return for the whole district, that is to say: The judges of the district composed of the city of Philadelphia, and the counties of Philadelphia and Delaware, shall meet at the state-house

The county of York, four;
The county of Cumberland, three;
The county of Berks, five;
The counties of Northampton and Wayne, four;
The county of Bedford, two;
The counties of Westmoreland and Armstrong, three;
The county of Northumberland, four;
The county of Washington, four;
The county of Fayette, three;
The county of Franklin, three;
The county of Montgomery, four;
The county of Dauphin, three;
The county of Luzerne, two;
The county of Huntingdon, two;
The county of Allegheny, Beaver and Butler, three;
The county of Mifflin, two;
The county of Delaware, two;
The county of Somerset, one;
The county of Lycoming, one;
The county of Greene, one;
The county of Adams, two;
The county of Centre, one;
The counties of Crawford, Venango, Mercer, Erie and Warren,
one.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the senators and representatives shall be chosen by the citizens of Philadelphia, and of the several counties duly qualified, at such time, in such manner, and at such places, as are prescribed by the constitution and laws of this state.

Passed February 27, 1801.



INDE

ABRIDGMENT.

See Acts of Assembly.

Page.

AC

ACADEMIES.

See Colleges and Schools.

ACADEMY AND FREE SCHOOL OF
BUCKS COUNTY

	Page.		Page.
ACTIONS AGAINST THE COMMON-WEALTH.		ACTS OF ASSEMBLY—Continued.	
Attorney General directed to appear for the Commonwealth in a suit against it authorized to be brought by Edmund Milne	62	Certain supplemented,	399
William Turnbull authorized to bring suit against the Commonwealth, as representative of William Turnbull & Co., agents for the Royal Marine of France	572	Certain partly repealed,	410
Attorney general authorized to appear on behalf of the Commonwealth	572	Certain partly repealed,	419
Proceedings on the trial and provisions to pay any sum recovered	572	Certain made perpetual,	430
		Certain partly repealed,	431
		Certain revived,	438
		Certain partly repealed,	453
		Certain made perpetual,	472
		Duration of certain extended,	473
		Duration of certain limited,	481
		Certain partly repealed,	518
		Certain extended,	568
		Certain repealed,	574
		Governor authorized to subscribe for certain copies of Read's Abridgement of the laws of Pennsylvania,	398
ACTIONS, LIMITATION OF. See Limitations.		ACTS OF ASSEMBLY (PRIVATE). See Acts of Assembly.	
ACTS OF ASSEMBLY. See Acts of Assembly (Private).		Walter Clark, William Gray and William Willson, trustees, empowered to sell a lot in Lewisburg and purchase an adjoining lot with the proceeds,	6
Certain partly repealed	13	Account of Alexander McDowell for surveying land heretofore granted to Cornplanter, a Seneca Indian Chief, to be settled; Warrant to issue for the amount,	7
Certain partly repealed	21	David Jones, tax collector, to be sued, and entitled to the benefits of a former act,	9
Certain continued	94	Edmund Milne authorized to enter suit against the Commonwealth to recover moneys claimed to be due him,	61
Certain revived and continued	95	Attorney General directed to appear for the Commonwealth,	62
Duration of certain limited,	106	Proceedings in such suit,	62
Certain partly repealed	129	Grant to John Glen, a disabled soldier,	93
Duration of certain limited,	130	Benjamin Herr empowered to erect a mill dam on the Allegheny River,	194
Certain partly repealed,	137	May lead off water necessary to supply water works,	194
Certain partly repealed,	181	Rights of individuals not to be injured or navigation of river impeded,	194
Certain partly repealed,	186	Warrant to be drawn in favor of John Hazelwood,	195
Certain continued,	187		
Certain partly repealed,	191		
Duration of certain limited,	191		
Certain partly repealed,	193		
Duration of certain, extended,	207		
Certain partly repealed	212		
Certain partly repealed,	239		
Certain made perpetual,	243		
Certain partly repealed,	255		
Certain partly repealed,	271		
Parts of certain made perpetual, ...	273		
Certain continued,	273		
Certain repealed,	308		
Certain partly repealed,	314		
Duration of certain limited,	319		
Certain continued,	336		
Certain suspended,	349		
Certain repealed,	375		
Duration of certain limited,	375		
Certain repealed,	389		
Certain extended,	397		

ACTS OF ASSEMBLY (PRIVATE)—	Page.
Continued.	
Governor authorized to draw warrants in favor of James Boggs, John Boggs and William Atkins for interest on lost funded certificates,	433
Executors of John Stein, empowered to convey a lot of land in pursuance of a parol agreement of the testator,	446
The interest of any other persons therein not to be barred,	446
Proceedings authorized to enable the administratrix of Samuel M'Cammon, deceased, to convey certain lands which he agreed to sell in his lifetime,	446
Christian Bear authorized to erect a dam across Swatara Creek,....	449
Dam to be erected so as not to interfere with navigation or passage of fish,	450
Private and corporate rights not to be interfered with,	450
Isaac Meason and Zachariah Connell authorized to erect a bridge over the Youghiogheny River at Connellsville, Fayette County,...	475
Governor authorized to issue a patent to Isaac Van Horne for certain donation lands in place of the lost original,	506
Abraham Morrow to be reimbursed for collecting, repairing, etc., the public arms,	506
Roger Alden authorized to erect a wing dam on French Creek, Crawford County, and to lead off water necessary,	509
Complaints against dam, how to be made and acted upon, and penalty on conviction of any offence, 509	
James Hulings authorized to erect a wing dam on French Creek, Venango County, and to lead off water necessary for his mills,...	507
Not to obstruct navigation or prevent passage of fish,	507
Complaints against dam, how to be made, and acted upon,	508

ACTS OF ASSEMBLY (PRIVATE)—	Page.
Continued.	
Penalty for offence against act, ..	508
Obstructions opposite dam to be removed,	508
Accounts of Clement Biddle, Esq., of the money expended in educating John Konkapot, Jr., etc., directed to be settled,	515
Governor authorized to draw for the the amount provided it does not exceed a specified sum,	515
Jonathan Bayard Smith, Peter Wilkoff and others whose lands fall in New York State, to be indemnified,	548
Committee of James Black, a lunatic, authorized to sell sufficient of his real estate to pay his debts, 563	
Account of James Pearson to be settled and paid,	569
Governor authorized to draw his warrant in favor of John Renison, formerly an ensign in the Revolutionary War, now blind and disabled,	571
ADAMS COUNTY.	
Part of York County erected into,...	392
Boundaries of,	392
Entitled to same jurisdictions and privileges as other counties,	392
Jurisdiction of courts therein,....	392
Times of holding common pleas and quarter sessions courts,	392
Actions and suits already begun against residents not to be affected in any way,	393
Officers of York County to continue to act until similar officers are appointed for Adams County,....	393
County officers to enter security,..	393
County commissioners authorized to erect public buildings in Gettysburg	393
And empowered to defray cost thereof by assessing and levying not over three thousand dollars,	393
Arrearages of taxes to be collected and paid to York County,	394

Index.

ADAMS COUNTY—Continued.	Page.	
To be part of district composed of York County for electing members of Congress and senators,...	394	ALD
Election of representatives and county officers,	394	I
Powers and privileges of such officers,	394	F
Governor authorized to appoint commissioners to run boundary line between York and Adams counties,	394	J
Compensation of such commissioners,	394	P
Time of holding courts, in Adams and Dauphin counties,	395	C
Trustees appointed,	395	Pr
Lots in Gettysburg to be purchased and public buildings erected thereon for the use of,	478	Ju
Expense thereof, how to be paid, and cost thereof limited,	479	Pr
Accounts, when and how to be rendered,	479	Se
Compensation of persons appointed to carry act into effect,	479	Pr
When courts of quarter sessions are to be held in,	481	Ac
Time fixed for holding common pleas and quarter sessions courts in,	486	Ne
Together with York County to compose a district and elect two senators,	583	ALDEI
First, second, third, fourth and fifth election districts in, erected,	510	PHL
Places of holding elections therein fixed,	510	Po
To elect two representatives,.....	585	La
ADMINISTRATORS.		Pe
See Executors and Administrators.		
AGENTS OF ELECTION.		

	Page.		Page.
ALDERMEN'S COURT OF PHILADELPHIA.—Continued.		ALLEGHENY COUNTY—Continued.	
Provision where title to lands comes in question,	187	Parts of, and Washington County erected into Beaver County,	454
Jurisdiction of, extended to actions for rent not exceeding \$53.33,....	188	Part of, erected into Mercer County,	455
Proceedings in such cases,	188	Part of, erected into Butler County,	455
Appeals allowed,	188	Part of, erected into Crawford County,	456
Actions to which this act shall not be construed to extend,	189	Part of erected into Erie County, ..	457
ALIENS.		Parts of, and Lycoming County erected into Warren County,....	457
See Citizenship; Lands.		Parts of, and Lycoming County erected into Venango County, ...	458
ALLEN, ELIZABETH.		Parts of, Lycoming and Westmoreland Counties erected into Armstrong County,	459
See Acts of Assembly (Private).		Continuance of precess in, notwithstanding passage of act,	461
ALLEN, WILLIAM.		Apportionment of representation in the Legislature and of senators and representatives in Congress for,	461
See Acts of Assembly (Private).		Commissioners of, authorized to assess county rates and levies for Beaver and Butler Counties,	465
ALLEYS.		Accounts thereof, how to be kept and moneys applied,	465
See Philadelphia, City of.		Existing assessments made by commissioners of, how to be applied,	465
ALLMAN, HANNAH.		Time of holding common pleas, and quarter sessions courts in, fixed, ..	486
See Acts of Assembly (Private).		Seventh election district of, erected, ..	518
ALLMAN, LAWRENCE.		Boundaries thereof,	518
See Acts of Assembly (Private).		Place of holding elections therein, fixed,	518
ALLEGHENY COUNTY.		Together with Beaver and Butler Counties to compose a district and elect one senator,	583
Townships of Erie and Irwin erected into separate election districts,	114	Together with Beaver and Butler Counties to elect three representatives,	585
Places fixed for holding elections therein,	114	ALLEGHENY RIVER.	
Two additional election districts erected in,	115	See Highways; see Waters and Water Courses.	
Places fixed for holding elections therein,	115	ALMS HOUSES.	
Returns of general elections in, how to be made,	115	See Lancaster County; Chester County; Poor Laws.	
Grant of 2,000 acres in, to Gen. William Irwine to indemnify him for loss of Montour Island,	210	ANIMALS.	
Election districts erected in Elder and Cunningham districts,	261	Governor empowered to appoint an auctioneer for selling horses, cattle and carriages in Philadelphia, ..	313
Place fixed for holding elections therein,	261		
Separate election districts erected in Erie township, Powers district and other places,	264		
Places fixed for holding elections therein,	264		
Place of holding elections in the district of Plum and Versailles townships, fixed,	431		

	Page.
APPROPRIATIONS—Continued.	
Additional appropriation for the road from Frankstown to Pittsburg,	241
Appropriation to pay certificates issued to Pennsylvania claimants in compensation for land ceded to the Commonwealth,	247
Appropriation of \$2,000 to Chambersburg Academy,	252
Appropriation for repairing certain buildings of the prison of Philadelphia,	260
Appropriation for paying a corps of militia on service in 1794 in Westmoreland county,	275
Fund out of which same is to be paid,	275
Appropriation for opening and improving the road between the Bald Eagle's Nest and the Allegheny River, and laying out and opening a road from the Allegheny River to Le Boeuf,	315
Appropriation to reimburse advances of Receiver General for clerk hire,	316
Appropriation for opening and improving the road through Penn's Valley mountains,	323
Appropriation for opening and improving the State road from Bedford to Pittsburg,	324
For altering and amending the road between the Frankstown branch of Juniata River and Conemaugh River,	334
Appropriation for completing the education of John Konkapot, Jr., an Oneida Indian,	336
Appropriation for improving the navigation of part of the Susquehanna River,	339
Appropriation for the expenses of government,	350
Warrants to be drawn as in other cases,	351
To pay executrix of John Rankin for land from which he was evicted,	407
To pay funeral expenses of Major General Thomas Mifflin,	408

	Page.
APPROPRIATIONS—Continued.	
To pay interest on lost funded certificates	433
One thousand dollars appropriated to Canonsburg Academy, Washington County, for purchase of library and education of poor children,	469
Appropriation for road from McConnellsburg to the State Road near the top of Ray's Hill, Bedford County,	470
To defray sundry expenses of the executive department,	491
To pay certain certificates,	491
To pay clerks in the office of the Comptroller-General,	491
To pay clerks in the office of the Register General,	491
For the removal of the seat of government from Philadelphia to Lancaster,	491
To pay clerks in the office of Surveyor-General, Receiver General and secretary of the land office, and sundry other expenses,	491
Warrants, how to be drawn,	492
Governor authorized to draw for money for improving the road from David Beale's, in Mifflin County, to George M'Mullin's, in Shearman's Valley, Cumberland County,	513
Fund out of which payment is to be made,	513
Appropriation for carrying into effect act authorizing proceedings to collect arrearages of State taxes and settle the accounts of county treasurers,	520
APPRENTICES.	
Apprentices who abscond liable to actions for damages after they become of age,	334
When and how indentures may be assigned on the death of master or mistress, or during their lifetime,	334
ARBITRATION.	
Disputes between owners and occupiers and managers of marsh and meadow land to be settled by, ..	418

	Page.	
ARMSTRONG COUNTY.		
Parts of Allegheny, Lycoming and Westmoreland Counties erected into,	459	
Boundaries of,	459	
Place of holding courts in, to be fixed by Legislature,	459	
Governor to appoint commissioners to run boundary lines,	459	
Compensation of commissioners,...	459	A
Temporarily annexed to Westmoreland County,	459	A
Courts thereof to have jurisdiction in, temporarily,	459	A
Part of, erected into an election district,	459	A
Place of holding elections therein fixed,	459	A
Courts of Westmoreland County to have temporary jurisdiction in Armstrong County,	459	
Westmoreland County and, to elect three representatives,	461	A
To be annexed to the same district as Westmoreland county for electing State senators and representatives in Congress,	461	
When entitled to be represented separately, hold courts and elect officers,	463	AI
Trustees appointed,	463	AI
Their powers and duties,	463	
Commissioners of Westmoreland County authorized to assess county rates and levies, for,	466	BA
Accounts, how to be kept and monies applied,	465	BA
Together with Westmoreland County to compose a district and elect one senator,	583	BA
Together with Westmoreland County		

BANKRUPTCY—Continued.		Page.
Trustees to be appointed,	99	
Assignment to trustees to be made by petitioner,	99	
Thereupon order for the petitioner's discharge from imprisonment to issue,	99	
Trustees to give bond,	100	
Wearing apparel, bedding and tolls of trade to be retained,	100	
Trustees empowered to compound with petitioner's debtors,	100	
Such debtors entitled to defalcation,	100	
Trustees empowered to collect debts, sell estates and pay dividends,...	100	
Trustees may sue in their own names,	100	
Depending suits brought by petitioner not to be abated,	100	
Time and place of receiving proofs of debt,	101	
Accounts to be closed in twelve months unless time is extended,	101	
Proviso as to surplus estate,	101	
Notice to be given of meetings,	101	
Penalty for colluding or joining in any fraudulent transaction with petitioner,	101	
Proceedings in case fraud is discovered, on the part of the petitioner,	102	
Penalty for such fraud,	102	
Dividends, when and how to be paid,	102	
Surplus estate to be restored to petitioner,	103	
Compensation of trustees,	103	
Proceedings for discharge of a debtor arrested in execution during vacation,	103	
Return of the sheriff, etc., in such cases, ..	104	
Proceedings of judges and trustees, under act, to be filed in the proper court,	104	
Debtors discharged not to be arrested for pre-existing debts,	104	
If so arrested, how to be discharged,	104	
But discharge of petitioner not to discharge others nor affect liens.	104	
Who are entitled to benefits of act,	105	

BANKRUPTCY—Continued.		Page.
Property of petitioner excepting wearing apparel, bedding and tools, to be liable notwithstanding the discharge of his person,	105	
How new execution may be sued out,	105	
Limitations of act,	106	
BANKS.		
See Marsh and Meadow Lands; , Waters and Water Courses.		
BANKS AND BANKING.		
See Loans.		
Bank of Pennsylvania empowered to make a loan to the United States,	160	
Proceedings in relation thereto,...	160	
Duration of charter of Bank of North America extended,	207	
Governor empowered to obtain a loan from Bank of Pennsylvania,	348	
Terms and conditions of interest and reimbursement,	348	
BAPTIST ASSOCIATION OF PHILADELPHIA.		
See Churches.		
BAPTIST CHURCHES.		
See Churches.		
BARREN HILL.		
The corporation of the German Lutheran congregation in and near Philadelphia empowered to grant and convey the Barren Hill church and glebe-land to certain trustees for the use of the German Lutheran congregation at Barren Hill,	564	
BASKETS.		
See Game Laws.		
BEAR, CHRISTIAN.		
See Acts of Assembly (Private).		
BEAVER COUNTY.		
Parts of Allegheny and Washington Counties erected into,	454	
Boundaries of,	454	
Courts to be held at Beavertown, ..	454	
Governor to appoint commissioners to run boundary lines,	454	
Compensation of commissioners, ..	454	

Index.

	Page.	
BEAVER COUNTY—Continued.		B
Commissioners appointed to run boundary lines of, to do so within a certain time,	460	
Returns of taxable inhabitants in, ..	460	
Butler County and, temporarily an- nexed to Allegheny County,	460	
Courts of Allegheny county to have jurisdiction in, temporarily,	460	
Apportionment of representation in		

	Page.		Page.
BERKS COUNTY—Continued.		BOGGS, JOHN.	
Townships of Brunswick and Man-		See Acts of Assembly (Private).	
helm erected into a separate elec-		BONDS. See Suretyship.	
tion district,	114	Treasurer of Board of Health to give	
Place fixed for holding elections		bond,	352
therein,	114	Governor to require sufficient bond	
Separate election district erected in,	267	for completion of Read's Abridg-	
Place fixed for holding elections		ment of Laws of Pennsylvania, .	399
therein,	267	Treasurer of Ridley Meadow Com-	
Additional commissioners appointed		pany to give bond with surety,...	413
to convey certain lots under a for-		Conditions of bond,	413
mer law,	514	County officers elected or appointed	
Together with Dauphin County to		in newly formed Centre County to	
compose a district and elect two		give bonds, as now required in	
senators,	583	Mifflin County,	405
To elect five representatives,	585	BONDS (STATE)).	
BIDDLE, CLEMENT.		Governor authorized to negotiate a	
See Acts of Assembly (Private).		loan if found to be necessary, ..	562
BIG BEAVER CREEK.		Interest not to exceed six per cent.	
See Waters and Water Courses.		per annum,	562
BIG SCHUYLKILL RIVER.		BOOKS AND PAPERS. See Courts.	
See Waters and Water Courses.		BOROUGHES.	
BIG SWATARA CREEK.		See Burgesses; Elections. (Also	
See Bridges; Lotteries.		see each borough separately indexed	
BINKLEY, CHRISTIAN.		under its own name.)	
See Bridges; Lancaster County.		BOUNDARIES. See Lands.	
BLACK, JAMES.		Of West Chester Borough,	225
See Lunatics.		Of Greensburg Borough,	154
BLOCKLEY, TOWNSHIP OF.		Governor to appoint commissioners	
See Philadelphia, City of; Elections.		to run boundary between North-	
BOAL, DAVID.		ampton and Wayne Counties, ...	66
Appointed an additional trustee in		Commissioners appointed to run	
Mifflin County,	114	part of the boundary line between	
BOARD OF HEALTH.		Bedford and Huntingdon Coun-	
See Health Laws.		ties,	88
BOARD OF INSPECTORS.		Also between Huntingdon and Som-	
See Buildings (Public).		erset Counties,	88
BOARD OF MANAGERS OF THE MA-		Also between Westmoreland and	
RINE AND CITY HOSPITALS OF		Somerset Counties,	88
THE PORT OF PHILADELPHIA.		Duplicate plots of the lines run to be	
See Health Laws.		made and deposited in the Re-	
BOARD OF PROPERTY.		corder of Deeds office of the re-	
See Lands (Public).		spective counties,	89
Disputes between Pennsylvania		Expenses, how to be paid,	89
claimants to be settled by,	247	Boundary line between Bedford and	
Act establishing, continued,	336	Franklin Counties to be run and	
BOARD OF WARDENS.		reported to Quarter Sessions of	
See Philadelphia, Port of.		respective counties, to be there	
BOGGS, JAMES.		recorded,	92
See Acts of Assembly (Private).		Of the Borough of Lebanon,	230
		Of new election districts in Luzerne	
		and Washington Counties,	315

BRIDGES—Continued.	Page.
Capital stock, when and how it may be increased,	41
After payment of all expenses, surplus moneys to be returned as a dividend to stockholders,	41
Property of bridge vested in corporation for twenty-five years,	42
Power of company to take toll and rates thereof,	42
Consent of property owners to be obtained; and bridge not to obstruct navigation by boats without masts,	42
Fund established for redeeming bridge and making it free,	42
Private donations for that purpose,	42
Bridge may be redeemed before twenty-five years if fund is sufficient, or afterwards by authority of Legislature upon payment of its appraised value,	42
If bridge is not redeemed within twenty-five years, company may continue to hold same until it is redeemed,	42
Two oxen equal to one horse in charging toll,	44
Penalty for exacting greater tolls than those prescribed,	44
Time limitation for bringing actions to recover such penalties,	44
Accounts of tolls collected to be kept,	44
Dividends to be declared semi-annually,	44
Abstract of accounts to be submitted to Legislature every three years,	45
Limitation of time for commencing and completing bridge,	45
Penalty for injuring bridge, piers, etc.,	45
Penalty for impeding passage over the bridge,	45
Commissioners appointed to draw a lottery to raise money for completing bridge over Big Swatara Creek, at Jonestown, Dauphin County,	52
Duties and bonds of the Commissioners,	52
List of prizes to be published,	52
Time limited for demanding prizes,	52

BRIDGES—Continued.	Page.
Powers and duties of the commissioners appointed to draw a lottery for erecting a bridge over the Schuylkill River at Reading withdrawn,	90
Provision for settling their accounts,	91
Payment to be made of amounts found due, expenses and compensation of commissioners, and auditors,	91
Former act repealed,	91
Sum to be raised by lottery for completing the bridge over the Delaware River at Easton,	109
Sum so raised not to form part of the capital stock of the company authorized to erect the bridge, ..	109
Scheme of the lottery to be submitted to and approved by the governor,	109
How and when commissioners of the lottery are to be appointed,	110
Duties of the Commissioners,	110
Time limited for demanding prizes, ..	110
Abraham Witmer authorized to build a bridge over the Conestoga creek on the road from Philadelphia to Lancaster,	135
Conditions to be complied with, ..	136
Rates of toll,	137
Penalty for taking greater toll, ..	137
How and when legislature may make the bridge free,	137
Original act partly repealed,	137
John Canan empowered to erect a toll bridge over the Frankstown branch of the Juniata River, ..	151
Rates of toll,	151
Private property not to be encroached upon, nor navigation injured or interrupted,	151
Persons exempt from payment of toll,	152
Accounts to be submitted every third year to the Quarter Session,	152
Tolls to be reduced when profits exceed twenty per cent.,	152
Time limited for commencing and finishing the bridge,	152
When and on what terms bridge may be made free,	152

	Page.
BRIGADE INSPECTORS—Continued.	
Limitation of number of votes each stockholder entitled to,	140
Annual meeting of stockholders, ..	141
Certificates of stock, how to be issued and to be transferable,	141
Meetings of board of managers and their powers to employ engineers, etc.,	142
Penalty for default in paying subscriptions,	142
Power to take materials from nearby lands with which to construct bridge,	143
Damages therefor, how to be appraised and paid,	143
Accounts to be kept by company, ..	143
When capital stock may be increased,	143
Bridge, when completed, to vest in company,	144
Rates of toll,	144
Navigation of river not to be obstructed nor persons prevented from fording said river,	144
Two oxen equal to one horse in charging toll,	145
Penalty for injuring bridge,	145
Penalty for demanding higher tolls than fixed by act, and application thereof,	145
Time limited within which suits therefor to be brought,	145
Account to be kept of tolls,	146
How and when dividends to be paid, ..	146
Accounts to be submitted to Legislature,	146
When rate of tolls may be increased, and when they must be decreased, ..	146
Act not effective until a similar act is passed in New Jersey,	147
Time fixed for beginning and finishing work,	147
BRISTOL, BOROUGH OF.	
Limits of, extended and new boundaries fixed,	558
Power of the corporation to regulate streets and alleys,	558
BRISTOL ISLAND MEADOWS.	
See Marsh and Meadow Lands.	
BROKEN STRAW CREEK.	
See Waters and Water Courses.	

	Page.
BUCKS COUNTY.	
To compose a district and elect one senator,	583
To elect four representatives,	585
BUFFALO TOWNSHIP. See Lewisburg.	
BUILDINGS (PUBLIC).	
See Chester County.	
Appropriation for repairing certain buildings of the prison of Philadelphia,	260
To be paid by the Governor drawing on the State Treasurer in favor of the Board of Inspectors, who are to account upon completion of the repairs,	260
County Commissioners of Adams County authorized to erect public buildings in Gettysburg,	393
County commissioners of Greene County empowered to finish construction of court house and prison partly built by county trustees, ..	396
Trustees of Centre County to build court house, prison, and other public buildings in Bellefonte, ..	405
Commissioners of Crawford County to purchase a lot for the erection of,	463
Expense thereof, how to be defrayed, ..	463
To be erected on lots purchased in Gettysburg, for the use of Adams County,	478
Governor to appoint commissioners to sell the house intended for the President of the United States, ..	488
BUILDING REGULATIONS.	
Regulation of party walls in Frankford Borough,	444
Penalty for encroaching on building lines in Frankford Borough,	444
BUILDING RESTRICTIONS.	
Affecting certain lots fronting on Market and Chestnut Streets in Philadelphia,	490
BURGESSES.	
No aldermen to be disqualified from hearing breaches of ordinances because of their interest as members of the corporation,	343
BURIAL GROUNDS.	
See Cemeteries. Churches.	

BUTLER COUNTY.

Page.

Part of Allegheny County erected into,	455
Boundaries of,	455
Place of holding courts to be fixed by the Legislature,	455
Governor to appoint commissioners to run boundary lines,	455
Compensation of commissioners, ..	455
Election districts of, rearranged and places of holding elections in several thereof fixed,	459
Commissioners appointed to run boundary lines of, to do so within a certain time,	460
Return of taxable inhabitants in, ..	460
Beaver County and, temporarily annexed to Allegheny County,	460
Courts of Allegheny County to have temporary jurisdiction in,	460
Apportionment of representation in the Legislature and of senators and representatives in Congress for,	461
When entitled to be represented separately, hold courts and elect officers,	463
Trustees appointed,	463
Their powers and duties,	463
Commissioners of Allegheny County authorized to assess county rates and levies for,	465
Accounts thereof how to be kept and moneys applied,	465
Together with Allegheny and Beaver counties to compose a district and elect one senator,	583
Together with Allegheny and Beaver Counties to elect three representatives,	585

CANALS

Governor empowered to appoint commissioners to ascertain the best route for connecting the Delaware and Chesapeake Bays,	358
Duties and compensation of commissioners,	338
Act not effective until similar acts are passed by Legislatures of Delaware and Maryland,	339

CANALS—Continued.

Page.

An act to incorporate a company for the purpose of cutting and making a canal between the River Delaware and the Chesapeake Bay,	549
Commissioners appointed to open subscription books in conjunction with commissioners appointed by the States of Maryland and Delaware,	549
Subscribers to be incorporated when one half or more of the capital stock has been subscribed,	551
Corporate title and powers of corporation,	551
Agents of the State of Delaware to have free access to all papers and records in the Land Office or any other public office,	552
Former act partly repealed,	553
Former act partly repealed,	553

CANAN, JOHN. See Bridges.

CANONSBURG ACADEMY.

One thousand dollars appropriated to, for purchase of library and education of poor children,	469
Number of poor children and length of time they are to be taught limited,	

CAPITAL. (STATE).

Removed to Lancaster,	
Next session of the Legislature to be held there,	
What offices to be removed,	
Commissioners appointed to attend the removal,	
Appropriation to defray expenses,	

CAPITAL STOCK.

See Bridges. Corp
high Navigation Co

CARRIAGES.

See Auctions and /
ways;

	Page.		Page.
CARTS. See Wagons.		CENTRE COUNTY—Continued.	
Repeal of part of a former act, which regulates the size of wheels of wagons and carts, owned by inhabitants of the Northern Liberties, the City of Philadelphia, the district of Southwark and the townships of Moyamensing and Passyunk and used in said city,	255	Actions already begun against inhabitants of Centre county not to be affected,	404
CATHOLIC CHURCHES.		Inhabitants of Centre county to have rights of election of officers secured to other counties by law, ..	405
See Churches.		County officers elected or appointed to give bonds, etc., as now required in Mifflin county,	405
CATTLE. See Animals.		Collection of arrearages of taxes previously assessed in Mifflin, Northumberland, Lycoming and Huntingdon counties not to be affected,	405
CAUSAWAGO CREEK.		Trustees of Centre county named, ..	405
See Watercourses.		Powers delegated to them,	405
CAUSEWAYS.		To establish academy or public school,	405
See Bridges; Highways.		To build court house, prison and other public buildings in Bellefonte,	405
CEMETERIES.		To render accounts to county commissioners and auditors,	405
A lot in Philadelphia vested in the German Reformed Congregation for a burial ground and charity school,	547	Established election districts in Centre county to stand (with two exceptions) until the next enumeration of taxable inhabitants,	406
Certain trustees empowered to sell a lot in Lewisburg and purchase an adjoining lot with the proceeds, for a burying ground for the Presbyterian Congregation of Buffalo Township, Northumberland County,	6	Special election districts established in lower Bald Eagle and Franklin townships,	406
Lot vested in the trustees of the Fourth Presbyterian Church, for a church and,	480	Commissioners to be appointed to run part of the boundary line between, and Huntingdon and Lycoming counties,	503
CENTRE COUNTY.		Courses of lines fixed,	503
Centre County formed of parts of Mifflin, Northumberland, Lycoming and Huntingdon Counties, ..	403	Duplicate plots of such lines to be made and deposited in the recorder's office of each county, ..	503
Boundaries of Centre County,	403	Expenses, how to be defrayed,	503
Rights and privileges granted to inhabitants of Centre County,	403	Location of prison for, fixed in Bellefonte,	503
Jurisdiction and powers of Supreme and local courts established in Centre County,	404	Two trustees of, to be a quorum, ..	503
Assigned to Fourth Judicial District,	404	First election district of, erected, ..	503
Terms of courts of common pleas and quarter sessions in Centre county fixed,	404	Place of holding elections therein fixed,	503
Temporary place for holding court in Bellefonte named,	404	Second election district of, erected, ..	503
Terms of court in Huntingdon and Bedford counties fixed,	404	Place of holding elections therein fixed,	503
		Second election district of, erected, ..	567
		Place fixed for holding elections therein,	567

CENTRE COUNTY—Continued.

Townships of Patton and Warrior-	
mark, annexed to the first election	
district,	567
Place fixed for holding elections	
therein,	567
Together with Mifflin and Lycoming	
counties to compose a district and	
elect one senator,	583
To elect one representative,	585

CERTIFICATES.

See Lands (Public); Lost Papers.	
Jesse Rankin to be paid amount of	
principal and interest due on a	
lost certificate,	208
Pennsylvania claimants to be com-	
pensated in, transferable and bear-	
ing interest and receivable as	
specie in the Land Office,	245
Governor authorized to draw war-	
rants in favor of James Ross	

CHESTER. See Highways.

CHESTER COUNTY.

Poor house to be erected in,	15
Directors of the poor, how to be	
elected,	15
Certificate of election,	15
Meetings of directors and rotation	
of service,	15
Directors incorporated,	16
Name of corporation,	16
Its immunities, powers and duties,	
Treasurer, his qualification and du-	
ties,	16
Seal of corporation,	16
Estimates to be made of cost of erect-	
ing buildings, maintaining poor,	
etc.,	17
Tax to be raised for defraying the	
same,	17
Directors to account annually under	

	Page.		Page.
CHURCHES—Continued.		CLERKS OF COURT. See also Courts.	
Trustees of the Lutheran church, Hempfield township, Westmoreland county, authorized to convey a certain tract of land,	520	Prothonotaries of Common Pleas to be clerks of Circuit Court and Oyer and Terminer,	203
A lot in Philadelphia vested in the German Reformed Congregation for a burial ground and charity school,	547	CLERKS OF ELECTIONS.	
The corporation of the German Lutheran congregation in and near Philadelphia empowered to grant and convey the Barren Hill church and glebe-land to certain trustees for the use of the German Lutheran congregation at Barren Hill,	564	See Elections.	
CIRCUIT COURTS. See Courts.		CLERKS OF THE MARKETS.	
CITIZENSHIP.		See Markets.	
Rights of, defined, under election laws, to qualify as voter,	163	CODORUS RIVER.	
How to be proved,	163	See Waters and Water Courses; Highways.	
None but citizens to hold a commission in the militia,	282	COLLECTOR OF TOLLS.	
Allens, not subjects of nations at war with the United States, empowered to purchase and hold real estate, provided they have declared their intentions to become citizens,	337	See Bridges; Lehigh Navigation Company.	
Allens who have heretofore contracted for or purchased real estate may take and hold the same as fully as citizens,	337	COLLEGES AND SCHOOLS.	
CITY HALL. (Philadelphia).		Commissioners appointed to draw a lottery for erecting a school house in New Hanover township, Montgomery county,	47
While legislature is in session, special elections in Philadelphia and townships of Blockley and Kingsessing to be held in,	198	Scheme of lottery to be submitted to the Governor,	48
CITY HOSPITAL. See Health Laws.		Prizes, when to be paid,	48
CITY LOTS. See Lands (Public).		Qualification and duties of commissioners,	48
CITY OF PHILADELPHIA.		Expenses, how to be paid,	48
See Philadelphia, City of.		Accounts, how to be settled,	49
CLAIMANTS.		Time limited for demanding prizes,	49
See Lands (Public), Pennsylvania Claimants.		Commissioners appointed to draw a lottery to raise money for completing Lower Dublin Academy,	49
CLARK, WALTER.		Scheme of lottery to be submitted to Governor,	50
See Acts of Assembly (Private).		Prizes, when to be paid,	50
		Qualification and duties of commissioners,	51
		Accounts to be settled,	51
		Limitation of time for demanding prizes,	51
		Grant of money to the Academy and Free School of Bucks county, at Newtown,	62
		Poor scholars, not exceeding ten at one time, to be taught free, ..	63
		Grant of money to complete the buildings of Pittsburg Academy, ..	63
		Poor scholars, not to exceed ten at one time, to be taught free, ..	64
		Tender of a building by St. John's Protestant Episcopal church of York, accepted,	181

	Page.		Page.
COMMISSIONERS—Continued.		COMMON COUNCILS.	
Powers of Trustees of Greene County transferred to County Commissioners,	396	Powers of, in Philadelphia,	346
Of Westmoreland County to hold special election for assessors and assistant assessors of several townships,	399	COMMON RECOVERY. See Estates.	
To appoint same if not elected, ...	399	COMMONWEALTH.	
Of Northumberland County to collect tolls for crossing bridge over Lehigh River on road from Easton to Philadelphia,	426	See Actions against the Commonwealth: Executive Department; Capital (State).	
And to submit accounts thereof annually to quarter sessions,	428	Powers of Comptroller General and Register General to settle accounts and collect moneys due the Commonwealth,	522
Directed to have enumeration of taxable inhabitants made by the assessors,	434	Governor authorized to negotiate a loan if found to be necessary, ..	562
Form of oath to be taken by, to Governor,	434	Interest not to exceed six per cent. per annum,	562
Penalty for failure to make return or making false returns,	434	William Turnbull authorized to bring suit against the Commonwealth as representative of William Turnbull & Co., agents for the Royal Marine of France,	572
To file township, etc., returns with clerks of quarter sessions,	436	COMPANIES.	
Of Chester County empowered to purchase for public uses a lot adjoining the jail, and to sell other lots,	448	See Corporations.	
Of Crawford County to purchase a lot for the erection of public buildings,	463	COMPTROLLER-GENERAL.	
Governor to appoint, to sell the house intended for the President of the United States and the lots adjoining thereto,	488	See Controller-General.	
Additional, appointed to convey land when one of two commissioners appointed by earlier act, is dead and survivors declined to act alone,	514	CONEMAUGH RIVER.	
Of Philadelphia county authorized to sell and convey a part of the public landing in the Northern Liberties,	548	See Highways	
COMMITTEE IN LUNACY.		CONESTOGA CREEK	
See Lunatics.		See Bridges.	
COMMON PLEAS COURTS.		CONESTOGA RIVER.	
See Courts.		See Bridges.	
		CONEWAGO RIVER.	
		See Waters and Water Courses.	
		CONEWANGO CREEK.	
		See Waters and Water Courses.	
		CONFISCATED ESTATES. See Escheat.	
		CONGRESS.	
		Apportionment of representation in, for Allegheny, Beaver, Butler, Mercer, Crawford, Erie, Warren, Venango, and Armstrong Counties,	461
		CONGRESSIONAL DISTRICTS.	
		Adams County to be part of the district composed of York County for electing members of Congress and Senators,	394

	Page.		Page.
CONNECTICUT CLAIMANTS.		CONTINENTAL MONEY.	
See Connecticut, State of; Land		See Certificates.	
Titles. Lands, (Public); Luzerne			
County.		CONTROLLER-GENERAL.	
CONNECTICUT, STATE OF.		See Officers (Public).	
Repeal of the limitation act so far		Appropriation to pay clerks in the	
as it affects titles under the,	453	office of the,	491
CONNELL, ZACHARIAH.		CONVEYANCES.	
See Acts of Assembly (Private).		See Lands; Decedents Estates.	
CONSTABLES. See Justices of the		Additional commissioners appointed	
Peace; Magistrates.		to convey certain lots under a for-	
How Constables shall be appointed		mer law,	514
in the Northern Liberties,	11	CORN.	
Proceedings in case of vacancy, ...	12	See Indian Corn Flour.	
Constables to be bound by recogni-		CORNPLANTER.	
		See Indians	

	Page.		Page.
CORPORATIONS—Continued.		COSTS.	
Meetings of directors,	20.	Not to exceed damages where dam-	
Compensation of directors,	20	ages are less than \$1.,	187
Vacancies, how to be supplied,	20	COUNCILS.	
Lehigh Navigation Company to be		See Common Councils; Select Coun-	
incorporated after certain prelim-		cils.	
inaries are complied with,	25	COUNTERCLAIM. See Set-off.	
Company for building a bridge over		COUNTIES. (See each county separately	
the Schuylkill River to be incor-		indexed under its own name).	
porated after certain preliminaries		No boundary line of a new county	
are complied with,	38	already run and ascertained to be	
When Governor may incorporate		run a second time,	464
subscribers to turnpike road from		Commissioners running a line first	
Philadelphia to Reading,	73	to be entitled to the compensa-	
Board of Managers of the Marine		tion,	464
and City Hospitals of the Port of		Such compensation to be divided	
Philadelphia, incorporated,	118	equally between the counties sepa-	
When company for erecting a bridge		rated by the line, unless it is a	
over the Delaware river may be		line of Washington, Allegheny,	
incorporated,	140	Westmoreland or Lycoming coun-	
York County Academy incorporated, 181		ties,	464
Duration of charter of the Bank of		COUNTY AUDITORS. See Officers (Pub-	
North America extended,	207	lic).	
Trustees of the General Assembly of		COUNTY BOUNDARIES.	
the Presbyterian Church in the		See Boundaries.	
United States of America incor-		COUNTY BRIDGES.	
porated,	219	See Bridges.	
Borough of Lebanon incorporated, .	233	COUNTY COMMISSIONERS.	
Its powers and privileges,	233	See Commissioners.	
St. John's Protestant Episcopal		COUNTY OFFICERS.	
Church in West Cain township,		See Officers (Public); Taxation.	
Chester county incorporated,	256	COUNTY RATES AND LEVIES.	
Board of Health incorporated,	352	See Taxation.	
Time extended for corporation to		COUNTY SEATS.	
complete bridge over Schuylkill		Seat of justice in Wayne County	
river at or near Philadelphia, ..	397	temporarily removed from Milford	
Act to incorporate a company for		to Wilsonville,	237
promoting the cultivation of vines		Permanent seat of justice in Wayne	
etc., revived,	438	county, where to be located,	238
Borough of Frankford incorporated, 442		COUNTY TREASURERS.	
Shares of the company for the pro-		See Taxation; Officers (Public).	
motion of the cultivation of vines,		Proceedings to collect arrearages of	
etc., how to be paid for,	516	state taxes and settle the accounts	
An act to enable the Governor to		of county treasurers,	519
incorporate the Germantown and		When such proceedings to be begun, 519	
Perkiomen Turnpike road,	525	Powers of Comptroller-General and	
Subscribers to the capital stock of		Register General in such pro-	
the Chesapeake and Delaware		ceedings,	519
Canal Company to be incorporated			
when one-half or more of the stock			
has been subscribed,	549		

COURTS—Continued.

Page.

Such copies shall be deemed matters of record,	70
Quarter Sessions of the counties through which the road from Philadelphia to York passes authorized to cause that part lying between Fawks' Tavern and West Chester to be opened,	71
Times fixed for holding courts of common pleas and quarter sessions in Washington County,	112
Setting salaries of the judges of the supreme court and the presidents of the courts of common pleas continued,	118
Amounts of tolls, etc., received from the road over Frankstown branch of Juniata River to be submitted third year to Quarter Sessions,	152
Allowed to Common Pleas for payment of burgesses or justices of the peace in Greensburg Borough,	158
Names of respective county agents to attend at holding general elections,	164
Justices of Philadelphia to continue in session as long as they deem necessary, 192	
Business in the Quarter Sessions of Common Pleas in Montgomery County renewed of court was	198
Court held in the absence of the judges of the county at the place of holding said court,	199
Minutes of the court published in the papers, ..	200
Minutes of the court in said county, ..	200
Minutes of the court in Philadelphia,	200
Minutes of the court in process,	201

	Page.
COURTS—Continued.	
Every day of the courts to be a return day for jurors and witnesses,	201
Judges to have same powers in said courts as if sitting in banc,	201
Their power in criminal matters, ..	201
Appeals allowed from Circuit Court to Supreme Court,	203
Proceedings in taking such appeals, ..	203
After decision by Supreme Court record to be remitted to Circuit Court,	203
What process, etc., to be transmitted with the record on the return to a certiorari or habeas corpus, ..	203
Proceedings thereon,	203
Prothonotaries of Common Pleas to be clerks of Circuit Court and Oyer and Terminer,	203
Their powers as such,	203
Fees in the Circuit Courts,	204
Depositions of witnesses, how to be taken,	204
Acknowledgements of sales of land on testatum executions, how to be made,	204
Dockets to be prepared for Circuit Courts,	205
Actions transferred in as if they had originated there,	205
Cost of dockets and wages of clerks of Circuit Courts to be reimbursed by the respective counties,	205
Records, etc., in cases where judgments or decrees have been rendered in December term of the Supreme Court to remain in the custody of the prothonotary thereof,	205
Judges empowered to continue holding courts of Nisi Prius in Philadelphia County,	205
Their power of sustaining certain appeals to be superseded after December term,	205
Rules of the Circuit Court to be prescribed by the Judges of the Supreme Court,	206
How such rules to be entered, enforced and certified,	206

	Page.
COURTS—Continued.	
Lien of judgments to be confined to lands in the county where the judgment was rendered,	206
Testatum execution to be a lien upon lands only from the time of the delivery thereof to the sheriff, ..	206
Returns thereon,	206
Appeal allowed from the judgment of burgesses or justice of the borough of Lebanon to the common pleas,	234
All deeds under act regulating partition of lands to be acknowledged in open court,	340
Original jurisdiction of Supreme Court on writs of partition extended over the whole state,	340
No court to be disqualified from hearing breaches of ordinances because of their interest as members of the corporation,	343
Jurisdiction of courts in Adams County,	392
Times of holding common pleas and quarter sessions courts in Adams County,	392
Time of holding courts in Adams and Dauphin Counties,	395
Jurisdiction and power of Supreme Court extended to Centre county, ..	403
Centre county assigned to Fourth Judicial District,	404
Terms of Common Pleas and Quarter Sessions courts in Centre county fixed,	404
Temporary place named for holding court in Bellefonte, Centre county, ..	404
Terms of court in Huntingdon and Bedford counties fixed,	404
Of Beaver County to be held at Beavertown,	454
Place of holding courts in Butler County to be fixed by the Legislature,	455
Place of holding, in Mercer County to be fixed by the Legislature, ...	455

COURTS—Continued.

Of Crawford County to be built at Meadville provided the inhabitants thereof subscribe four thousand dollars within four months for the use of a seminary within the county,

Of Erie County to be held in Franklin,

Of Warren County to be held at Venango,

Of Venango County to be held at Franklin,

Place of holding courts in Armstrong County to be fixed by Legislature,

When courts of quarter sessions to be held in Chester, Lancaster, York, Adams, Dauphin, Northumberland and Lycoming Counties,

Duration of act limited,

Supreme Court may be held for certain purposes in any county, if the City of Philadelphia is affected with a contagious fever,

Cumberland County annexed to second district,

Time fixed for holding common pleas and quarter sessions courts in Lancaster, York, Adams, Cumberland and Dauphin Counties,

To be held in Carlisle for Cumberland County,

Somerset County annexed to the fourth district,

Time of holding courts in Franklin and Somerset Counties,

Time of holding courts in Washington, Greene, Fayette, Westmoreland, Allegheny and Crawford Counties,

Chester County annexed to the first district,

President of said district to hold next court in Chester county, ..

Prothonotaries of the courts of common pleas of Northampton, Wayne, Northumberland, Lycoming and Luzerne counties to read in open court "An Act to prevent intrusions on lands within the counties of Northampton, Northumberland, and Luzerne," and the supplement thereto,

	Page.		Page.
CRAWFORD COUNTY—Continued.		CUMBERLAND COUNTY—Continued.	
Place fixed for holding elections therein,	555	To compose a district and elect one senator,	583
Together with Erie, Venango, Mercer and Warren Counties to compose a district and elect one senator,	583	To elect three representatives,	585
Together with Erie, Venango, Mercer and Warren counties to elect one representative,	585	CUMRU TOWNSHIP, BERKS COUNTY.	
CREEKS.		See Churches.	
See Waters and Water Courses.		DAMS.	
CRIMES.		See Game Laws, Marsh and Meadow Lands. Waters and Water Courses.	
See Criminal Law.		Benjamin Herr empowered to erect a mill dam on the Allegheny River, provided rights of individuals are not injured or navigation impeded,	194
CRIMINAL LAW. See also Fines and Penalties.		DARBY.	
Penalty for offering or accepting bribes for votes,	176	See Highways.	
Penalty for using threats, intimidation, etc., to influence an election,	176	DAUPHIN COUNTY.	
Penalty for perjury under act governing general elections,	177	Place of holding elections in the fourth district of, fixed,	9
Penalty for forging or publishing receipts or certificates, in connection with general elections,	177	Ninth election district in, erected,	266
Penalty for altering, defacing or embezzling tickets and papers relating to general elections,	178	Place fixed for holding election therein,	266
Penalty on any election officer being convicted of fraud,	179	Place fixed for holding elections in part of Heidelberg township, ..	266
Jurisdiction of Circuit Courts in criminal matters,	201	Time of holding courts in,	395
Penal laws made perpetual,	243	Where courts of quarter sessions are to be held in,	481
CUMBERLAND COUNTY.		Time fixed for holding common pleas and quarter sessions courts in,	486
Annexed to second district,	486	Part of Loudonderry township erected into an additional election district,	513
Time fixed for holding common pleas and quarter sessions courts in,	486	Its boundaries,	513
Such courts to be held in Carlisle, ..	486	Place of holding general elections therein fixed,	513
Commissioners appointed to lay out and improve a road from David Beale's in Mifflin county to George M'Mullin's in,	487	Together with Berks county to compose a district and elect two senators,	583
Governor authorized to draw for money for improving the road from David Beale's in Mifflin County, to George M'Mullin's in Shearman's Valley in,	513	To elect three representatives,	585
Fund out of which payment is to be made,	513	DEBTORS.	
		See Bankruptcy.	
		DEBTS. (PUBLIC).	
		See Certificates.	
		Governor empowered to borrow a sum of money on the credit of the revenue arising from vendues, to repay advances by citizens during epidemic,	197
		Application of the money borrowed, ..	197

	Page.
DISTRESS.	
See Landlord and Tenant.	
Power of collectors to distrain for toll,	30
Proceedings in case of distress,	30
Set off allowed in cases of, for rent under \$53.33.,	189
DISTRICT OFF SOUTHWARK.	
See Southwark, District of.	
DIVIDENDS.	
See Bankruptcy, Bridges, Lehigh Navigation Company.	
DIVORCE.	
See Marriage and Divorce.	
DONATION LANDS.	
See Lands (Public).	
DUNKARD, CREEK.	
See Waters and Water Courses.	
EDUCATION.	
See Colleges and Schools.	
Appropriation for completing the education of John Konkapot, Jr., an Oneida Indian,	336
EJECTMENT.	
Mesne profits may be recovered in actions of, under Connecticut State or Colony, or Connecticut, Susquehanna or Delaware company claims,	544
ELECTION DISTRICTS.	
See Elections.	
ELECTIONS.	
New election district erected in Berks County,	8
Place of holding elections therein fixed,	8
Place of holding elections in part of Union Township fixed,	8
Place of holding elections in the fourth district of Dauphin county fixed,	9
Directors of the poor of Lancaster and Chester Counties, how to be elected,	15
Certificates of election,	15
Fifth election district of Somerset County erected,	60

	Page.
ELECTIONS—Continued.	
Place of holding elections therein fixed,	60
How representatives and senators to be elected in Wayne County,	66
Wayne County attached to district for the election of members of congress,	68
Part of Middle Smithfield erected into an election district of Wayne County,	68
Place of holding elections therein fixed,	68
Matlack and Upper Smithfield townships erected into an election district of Wayne County,	68
Place of holding elections therein fixed,	68
That part of Wayne County not included in above mentioned districts to be a separate election district,	68
Place of holding elections therein fixed,	68
Place of holding elections in part of Bedford County annexed to Franklin County fixed,	92
Seventh election district erected in Huntingdon County,	113
Place fixed for holding elections therein,	114
Part of the fifth election district of Huntingdon county annexed to the third,	114
Place fixed for holding elections therein,	114
Townships of Brunswick and Mannheim erected into a separate election district of Berks county, ...	114
Place fixed for holding elections therein,	114
Townships of Erie and Irwin erected into separate election districts of Allegheny county,	114
Places fixed for holding elections therein,	114
Two additional election districts erected in Allegheny County, ...	115

ELECTIONS—Continued.

Courts of Common Pleas of the respective counties to appoint agents to attend at the places of election,	165
Duties of such agents,	165
How such agents to be notified of their election,	165
Penalty if any such agent neglects his duties,	165
Duties of inspectors, judges and clerks of the elections,	166
Oaths of inspectors, judges and clerks,	167
County commissioners to deliver lists of taxable inhabitants and blank forms to agents,	168
Penalty for failure,	168
Said lists and blank forms to be distributed at places of election,	168
Provision in case an election district is divided,	169
Penalty on failure of inspectors to attend, and how vacancies shall be supplied,	169
Number of inspectors who shall sit to receive the tickets to be determined by a majority of the judges,	169
How places of election to be designated,	169
From whom and how tickets shall be received,	170
Time of opening and closing elections,	171
Ballots, how to be made out and delivered,	171
Penalty on fraudulently offering more than one ticket,	171
How votes shall be counted and tallied,	171
What votes shall be rejected,	171
Returns, how to be made out and when and where to be delivered, where county is divided into districts,	172
Same, where there is only one place of election in any county, or in the City of Philadelphia,	173
Sheriffs to publish notice of any general election,	174
Penalty for failure,	174

	Page.
ELECTIONS—Continued.	
Writs of election to supply vacancies in the Legislature, how to be issued, executed and returned, .	175
Notice, how to be given to persons elected to the Legislature,	176
Penalty for accepting reward for votes,	176
Penalty for using threats, intimidation, etc., to influence elections, .	176
Penalty for binding, offering rewards to voters, etc.,	176
Penalty on nonqualified person interfering at election,	177
Governor to judge of the election of sheriffs and coroners, and his powers therein,	177
Penalty for perjury under act,	177
Penalty for forging or publishing receipts or certificates,	177
County commissioners to provide suitable ballot boxes,	178
Justices of the Peace to keep the same between elections,	178
Tickets and papers, how to be collected, secured and deposited after elections,	178
Penalty for altering, defacing or embezzling them,	178
Penalty on any justice refusing to receive such papers or neglecting to properly care for them,	178
Penalty on any election officer being convicted of fraud,	179
Penalty for refusing to serve as an election officer,	179
Penalty on any prothonotary or sheriff refusing or neglecting their duties,	179
Compensation of election officers, . .	179
Penalties, how to be recovered and applied,	180
When Governor may change fixed place of election in Philadelphia, .	180
Notice of such change to be published by sheriff,	180
Penalty on his failure to do so, . . .	180
Certain former acts partly repealed, .	181
How and when constables for Southwark are to be elected and appointed,	191

	Page.
ELECTIONS—Continued.	
Part of former act relating to election or appointment of high constable for Southwark repealed, . .	193
Special elections in Philadelphia, Blockley and Kingsessing to be held in City Hall while Legislature is in session,	198
Election of officers of West Chester Borough,	226
Proceedings at such elections, and returns thereof,	226
Provision in case election is not held on day fixed therefor,	226
When and what officers of the borough of Lebanon to be elected, and qualifications of electors, . .	231
Proceedings at such elections and making returns thereof,	231
Place fixed for holding elections in district composed of Fermanagh and Milford townships, Mifflin County,	261
Sixth election district of Fayette county erected,	261
Place fixed for holding elections therein,	261
Election district in Allegheny County erected in Elder and Cunningshams districts,	261
Place fixed for holding elections therein,	261
Fifth and Sixth election districts of Montgomery county erected, . . .	262
Place fixed for holding elections therein,	262
Place fixed for holding elections in Greene election district, Greene county,	262
Seventh election district of Lancaster county erected,	262
Place fixed for holding elections therein,	262
Place fixed for holding elections in the third district of Lancaster county,	263
Seventh election district of Northampton county erected,	263
Place fixed for holding elections therein,	263

ELECTIONS—Continued.	Page.	ELECTIONS—Continued.	Page.
Fourteenth election district of North- umberland county erected,	263	New election district erected in Washington County,	316
Place fixed for holding elections therein,	263	Boundaries thereof,	316
Fifth election district of Fayette county erected,	263	Place of holding elections therein fixed,	316
Place fixed for holding elections therein,	263	Of county commissioners and their terms of office,	376
Manallin township annexed to Union election district,	264	Election of assessors and their assist- ants and how return thereof shall be made and filed,	377
Place fixed for holding elections therein,	264	No person obliged to serve more than once in ten years,	377
Separate election district erected in		Election of representatives and	

	Page.		Page.
ELECTIONS—Continued.		ELECTIONS—Continued.	
Of officers of Frankford Borough, 441		Compensation of electors and how to be paid,	494
Method of holding, and making return thereof,	441	Huntingdon Election district erected in Luzerne County,	495
Annual elections in Frankford Borough to be advertised,	445	Place of holding general elections therein fixed,	495
Part of Armstrong County erected into an election district,	459	Brantum election district erected in Luzerne County,	495
Place of holding elections therein fixed,	459	Place of holding general elections therein fixed,	495
Election districts of Butler County rearranged and places of holding elections in several fixed,	459	Rindaw election district erected in Luzerne County,	495
Apportionment of representation in the Legislature, and of Senators and representatives in Congress for Allegheny, Beaver, Butler, Mercer, Crawford, Erie, Warren, and Venango Counties	461	Boundaries thereof,	495
Apportionment of senators for Greene and Washington Counties, 461		Place of holding general elections therein fixed,	495
Armstrong and Westmoreland Counties to elect three representatives, 461		Fourth election district of Wayne County erected,	497
Armstrong County to be annexed to the same district as Westmoreland County for electing state senators and representatives in Congress, . 461		Place of holding general elections therein fixed,	497
Election district erected in Washington County and place of holding elections therein fixed,	461	Place fixed for holding general elections of the district of Bullskin and Tyrone townships, Fayette County,	497
Part of Beaver County annexed to an existing election district, . . . 461		Two separate election districts erected in Washington County, . 498	
Part of Beaver County with part of Mercer County erected into a separate election district, and place of holding elections therein fixed,	461	Boundaries thereof,	498
Separate election district erected in Mercer County, and place of holding elections therein fixed,	461	Places fixed for holding elections therein,	498
Presidential and vice-presidential electors to be appointed by a joint vote of the House of Representatives and Senate,	493	Sixth election district of Washington County enlarged,	499
Manner of holding such election, 493		Elections therein to be held as formerly,	499
How such appointment to be certified,	493	Ninth election districts of Huntingdon County erected,	499
Electors to be notified of their appointment,	494	Place of holding elections therein fixed,	499
Meeting of electors, when and where to be held,	494	Part of sixth district annexed to first election district of Huntingdon County enlarged,	500
		Place of holding elections therein fixed,	500
		Part of West township annexed to first election district of Huntingdon County,	500
		Place of holding elections therein fixed,	500
		New Berlin election district of Northumberland County erected,	502
		Boundaries thereof,	502

ELECTIONS—Continued.	Page.
Place of holding elections therein	
fixed,	502
Shenandoah election district of New York	

ELECTIONS—Continued.	Page.
Newberry township erected into the	
third election district,	525

	Page.		Page.
ELECTIONS—Continued.		EPISCOPAL CHURCHES.	
Place fixed for holding elections therein,	579	See Churches.	
State divided into districts and number of Senators to be elected by each fixed,	583	ERIE COUNTY.	
Elections in districts composed of more than one county, where to be held and how to be conducted and returned,	584	Part of Allegheny County erected into,	457
Number of representatives to be elected by each county fixed,	585	Boundaries of,	457
Elections of senators and representatives to be held as prescribed in the constitution and laws of the State,	586	Courts to be held in Erie,	457
Seventh and eighth election districts of Mercer County erected,	587	Return of taxable inhabitants in,	460
Places of holding elections therein fixed,	587	Crawford, Venango, Warren and, to form one county called Crawford county, and to have all county privileges,	460
Places of holding elections in certain districts of Mercer and Beaver Counties changed,	587	Apportionment of representation in the legislature and of senators and representatives in Congress for, ..	461
EMBEZZLEMENT. See Criminal Law.		When entitled to be represented separately, hold courts and elect officers,	463
EMINENT DOMAIN. See Bridges.		Trustees appointed,	463
Right of, given president and managers of turnpike road between Philadelphia and Reading,	76	Their powers and duties,	463
ENTAILS. See Estates.		Commissioners of Crawford County authorized to assess county rates and levies for,	465
EPIDEMICS. See Health Laws.		Accounts, how to be kept and monies applied,	465
Governor empowered to borrow a sum of money to repay advances by citizens of Philadelphia during epidemic,	197	Together with Crawford, Venango, Mercer and Warren Counties to compose a district and elect one senator,	583
Commissioners of Philadelphia County to adjust and pay account of sheriff for removing prisoners during an epidemic,	211	Together with Crawford, Venango, Mercer and Warren Counties to elect one representative,	585
Courts may be removed to any part of Philadelphia County, should the city be afflicted with a contagious disease,	311	ERIE. Town of.	
Provision for removing prisoners in such case,	311	See Lands (Public).	
Criminal prisoners only to be removed on application of a majority of inspectors,	311	Repeal of improvement clause as to lots in,	410
Supreme Court may be held for certain purposes in any county if city is affected with a contagious fever,	481	Preemption continued in favor of purchasers, provided they apply within twelve months and pay for the same,	411
		Act relative to the sale of town and out lots in, extended for one year,	568
		ESCHEAT.	
		Edmund Milne authorized to enter suit against the Commonwealth to recover moneys claimed to be due him out of the purchase of a confiscated estate,	61

ESCHEAT—Continued.

Claim of the representatives of John Jones on account of a lot sold to him as being confiscated property of Isaac Grafts to be ascertained and settled, 309

ESTATES.

See Decedents' Estates; Escheat; Estate Tail.

ESTATES, PARTITION OF.

See Partition.

ESTATES TAIL.

See Estates.

Estates tail may be barred by deed of grant, bargain and sale, 149

How estates tail heretofore sold may be confirmed in fee to the purchaser, 145

Interest to bar the entail shall be declared in the deed, 149

Deed to be recorded in the county where the land lies, 149

EVIDENCE

Power of Supreme and common pleas courts to compel production of books and papers, 5

No freeman of the City of Philadelphia or any incorporated town or borough to be disqualified as a witness, to prove a breach of an ordinance because the penalty is appropriated to the use of the corporation, 343

Persons receiving any benefit from funds to which such penalties are appropriated barred from testifying, 343

Read's Abridgment of Laws of Pennsylvania to be admitted in evidence in courts of Commonwealth, 398

EXECUTION.

See Practice and Procedure. Actions against the Commonwealth.

EXECUTIVE DEPARTMENT.

See Governor.

Appropriation for certain, 95

Interest to be adjusted on certain certificates, but not after passage of act, 97

Accounts, for which appropriations are made, to be settled, 97

Page.

EXECUTIVE DEPARTMENT—Continued.

Page.

Account of executive disbursements to be laid before the legislature, 97

Warrants to be drawn as usual, 97

Statements of accounts of the late Comptroller and Treasurer to be laid before the legislature, 97

Appropriation for expenses of, 350

Governor to submit account of disbursements on account of executive expenses to next legislature, 351

Appropriation for the removal of the seat of government from Philadelphia to Lancaster, 491

Appropriation to defray sundry expenses of the, 491

Governor to submit to General Assembly on account of the expenses of the Executive Department, 491

EXECUTIVE EXPENSES.

See Executive Department.

EXECUTORS AND ADMINISTRATORS.

See Decedents Estates.

Hannah Allman, widow and executrix of Lawrence Allman to be allowed and paid the amount of the depreciation of his pay, 252

Power of surviving executors, to exercise power of sale of real estate, 466

Power of acting executors where others have refused, 467

Power of administrators c. t. a., 467

Power of remaining executor where coexecutor has been dismissed, .. 468

Power of administrator c. t. a. and administrator d. b. n. where all executors have been dismissed or letters testamentary vacated, 4

Act not to prevent testators providing by will otherwise than therein declared,

EXEMPTIONS.

See Military Law.

EXEMPTIONS.

Ministers and school masters exempt from taxation

EXPENSES OF GOVERNMENT.

See Executive Department.

EXPORTS. See Floor.

	Page.		Page.
EXPORTS AND IMPORTS.		FEES—Continued.	
See Rye Flour; Indian Corn; Flour; Staves and Heading.		For recording ordinances of the City of Philadelphia and District of Southwark in the office for record- ing deeds in Philadelphia County, 432	
FAYETTE COUNTY.		The supplement to the act establish- ing an explicit fee bill made per- petual, 472	
Sixth election district erected there- in, 261	261	FENCES.	
Place fixed for holding elections therein, 261	261	Act to regulate, etc., repealed so far as it affects Northumberland county, 437	437
Fifth election district erected in, ... 263	263	FERRIES.	
Place fixed for holding elections therein, 263	263	Matthias Flam and David Watts em- powered to establish a ferry on the Susquehanna river at or near the mouth of the Juniata river, .. 195	195
Manallin township annexed to Union election district, 264	264	Rates and regulations of the ferry, 195	
Place fixed for holding elections therein, 264	264	Consent must be obtained to land boats on lands of others, 195	195
Bridge authorized to be erected over Youghiogheny river at Con- nellsville in, 475	475	FEVERS. See Epidemics.	
Place fixed for holding general elec- tions of the district of Bullskin and Tyrone townships, in 497	497	FINES AND PENALTIES.	
Time of holding common pleas and quarter sessions courts in, fixed, 486	486	See also Health Laws; Military Law.	
Together with Green county to com- pose a district and elect one sena- tor, 583	583	Penalty on refusal of parties to pro- duce books and papers when re- quired by Supreme or Common Pleas Courts, 5	5
To elect three representatives, 585	585	Penalty on constable purchasing at sale of goods taken in execution, 12	12
FEDERAL ELECTIONS.		Penalty for passing on Lehigh river without paying toll, 31	31
See Elections.		Penalty for injuring the works of the Lehigh Navigation Company or im- peding the navigation, 33	33
FEE BILLS.		Penalty for exacting greater tolls on bridges over Schuylkill river than those prescribed by act, 44	44
See Fees.		Penalty for injuring bridges over Schuylkill river, or its piers, etc., 45	45
FEES.		Penalty for impeding passage over said bridge, 45	45
Fees to be paid by exporter to in- spector of staves and heading in- creased, 51	51	Penalty for refusing to serve as man- ager of Bristol Island Meadows, .. 56	56
Fees of inspector of flour for city and county of Philadelphia, 47	47	Penalty for injuring banks and other works of Bristol Island Meadows, 59	59
By whom fees to be paid, and how to be charged on sale of flour, 47	47	Penalty for deceiving toll gatherer, 79	79
In the Circuit Court, 204	204	Penalty for toll gatherer exacting greater tolls than prescribed by law, 79	79
Of the office of the surveyor general regulated, 271	271	Penalty for trying to avoid tolls, .. 83	83
Repeal of part of former act regu- lating the same, 271	271		
Fees to be paid by pilots for licenses and to be applied to the support of the wardens office of the port of Philadelphia, 274	274		
Of resident physician, quarantine master and consulting physician, and how to be collected and paid, 366	366		

	Page.
FINES AND PENALTIES—Continued.	
Penalty for destroying index posts, milestones, etc., on road between Philadelphia and Reading,	86
Penalty for non-compliance with rules of the road on turnpike between Philadelphia and Reading	87
Penalty on landlord distraining for more than amount due, or detaining surplus,	94
Penalty for colluding or joining in any fraudulent transaction with petitioning bankrupt,	101
Penalty for fraud on the part of petitioning bankrupt,	102
Penalty for removing chains or posts erected by religious societies to prevent vehicles passing during the time of divine service,	108
Penalties for attempting to avoid toll for passing over the turnpike between Philadelphia and Lancaster with intent to defraud the company, and for unlawfully claiming exemptions,	180
Penalty for breaking or defacing mile stones, direction posts or turnpike gates,	131
Penalty for refusing to allow wagons, etc., to be weighed,	132
Penalty for injuring bridge over the Delaware river at Trenton,	145
Penalty for refusing to serve as officers of Greensburg borough,	153
Recovery and appropriation of such penalties,	158
Penalty on constables refusing or neglecting to perform their duties at general elections,	164
Penalty on agents of election neglecting his duties,	165
Penalty on failure of county commissioners failing to deliver lists of taxable inhabitants and blank forms to agents of election, ..	168
Penalty on failure of inspectors of election to attend,	169
Penalty on fraudulently offering more than one ticket at an election,	171
Penalty on failure of sheriff to publish notice of any general election, 174	

	Page.
FINES AND PENALTIES—Continued.	
Penalty for offering or accepting any bribe or reward for votes, or using threats, intimidation, etc., to influence election,	176
Penalty on non-qualified person interfering at an election,	177
Penalty for perjury under act governing general elections,	177
Penalty for forging or publishing receipts or certificates in connection with general elections,	177
Penalty for altering, defacing or embezzling tickets and papers relating to general elections,	178
Penalty on any justice of the peace refusing to receive or neglecting to properly care for such papers, 178	
Penalty on any election officer being convicted of fraud,	179
Penalty for refusing to serve as an election officer,	179
Penalty on any prothonotary or sheriff neglecting or refusing to perform duties under act governing general elections,	179
How above penalties to be recovered and applied,	180
Penalty for failure of sheriff to publish notice of change of place of election in Philadelphia,	180
Penalties under certain acts, how to be recovered,	190
Penalty for failure to notify persons of their election as constables,	1 ^c
Penalty for person notified failing to appear before Quarter Sessions to accept or decline the office, ...	
Penalty on constables or anyone them purchasing at execution sale	
Penalty for hawking or without a license, or show or lending or be same,	
Penalty for refusing of the borough the recovery thereof,	

FINES AND PENALTIES—Continued.		Page.
Penalty for erecting and maintaining fish dams, baskets or ponds in the rivers Schuylkill, Susquehanna and Juniata, or their branches,	268	
Penalty for neglect of persons residing on lands adjoining any such fish dams, etc., to give notice thereof,	269	
Penalty for any supervisor of the roads failing to perform the duties required of him under the act,	269	
Penalty for obstructing the passage over wharves in the port of Philadelphia,	274	
Penalty for removing obstructions from part of the Susquehanna river without authority from the Governor,	339	
Penalty for vessel proceeding before being examined and given a certificate,	355	
Penalty on any captain refusing to comply with requirements of act,	356	
Penalty on captains of certain vessels failing to comply with regulations,	360	
Penalty for any quarantined person absconding,	366	
Penalty for harboring any person absconding,	366	
Penalty for leaving lazaretto or boarding quarantined vessels, ..	366	
Forfeitures, penalties and expenses, under act, how and by whom to be paid,	369	
Penalty for resisting or assaulting any health officer,	371	
Penalties under act to inure to the benefit of the institution,	372	
Penalty for neglecting or refusing to carry out provisions for cleansing city suburbs,	373	
Penalty for refusing to act as manager of Ridley Meadow Company, and proceedings thereon,	411	
Penalty for refusing to act as treasurer and proceedings thereon, ..		

FINES AND PENALTIES—Continued.		Page.
Penalty for owners and occupiers neglecting or refusing, after notice, to mow weeds from banks, etc., and recovery thereof,	415	
Penalty for owners or occupiers neglecting or refusing, after notice, to make, repair or scour their drains,	417	
Penalty for injuring the banks, dams, sluices or flood gates, or letting into the meadows any creek or water,	418	
Penalty for demanding more toll than is allowed by law for crossing over Lehigh river on road from Easton to Philadelphia, and for neglecting to keep the same in repair,	427	
Penalty for commissioners failing to make return or making false return of enumeration of taxables,	435	
Penalty for assessors or assistants failing to perform their duties in regard to making enumeration of taxables,	437	
Penalty for encroaching on building lines in Frankford borough,	444	
Under act regulating exportation of rye flour and Indian corn flour, how to be recovered and applied,	485	
Penalty for violating provisions regulating fishing in Juniata river and its branches,	501	
Penalty for offense against act authorizing erection of wing dam on French creek, Venango county,	508	
Penalty for falsely representing distance traveled on the Germantown and Perkiomen Turnpike Road,	531	
Penalty for demanding more than legal toll thereon,	531	
Penalty for failing to observe regulations limiting weights to be carried during certain seasons in vehicles whose wheels are of a certain width,	533	
Penalty for failure to keep road in repair,	534	
Penalty for attempting to escape payment of toll with intent to defraud company,	535	

	Page.
FINES AND PENALTIES—Continued.	
Penalty for wilfully destroying signs or mile stones, or throwing rubbish, etc., on the road,	538
Penalty for disregarding the rules of the road,	539
Penalty for riding, leading or driving any horse on the paved foot ways on the Northern Liberties,	541
Application of such penalty,	541
Penalty on second conviction for unlawfully taking possession of, entering, etc., certain public lands,	542
Penalty of more than two such convictions,	542
Penalty on failure of persons coming into certain counties to make certain declarations to agent appointed to inquire into such offences,	543
Penalty for resisting or obstructing such agent or his deputies in their duties,	544
Penalty for attempting to avoid payment of tolls on the road from Lancaster to the Susquehanna river near Wright's Ferry,	574
Penalty for breaking or defacing mile stones, index-posts or turn-pike gates,	576
Penalty for refusing to allow loads to be weighed on scales for that purpose,	576
Penalties on transgressions against provisions of act declaring parts of the rivers Codorus and Conewago public highways,	582
Penalty for obstructing the navigation or the passage of fish in said rivers,	582
Penalty for failure to keep sluices in dams in said rivers open during certain months,	583
Penalty for fishing in said rivers during certain seasons,	583
FISH AND FISHING.	
See Game Laws; Waters and Water Courses.	
FISH BASKETS.	
See Game Laws.	
FISH DAMS.	
See Game Laws.	

	Page.
FISHING CREEK.	
See Waters and Water Courses.	
FISH POUNDS.	
See Game Laws.	
FLAM, MATHIAS.	
See Acts of Assembly, (Private).	
FLOOD GATES.	
See Marsh and Meadow Lands.	
FLOUR.	
See Rye Flour; Indian Corn Flour.	
Fees of inspector of, for city and county of Philadelphia,	47
By whom fees to be paid, and how to be charged on sale of flour,	47
FORFEITURES.	
See Escheat; Fines and Penalties.	
FORGERY.	
See Criminal Law.	
FOURTH PRESBYTERIAN CHURCH.	
See Churches.	
FRANCHISES.	
See Bridges; Corporations; Ferries; Highways.	
Franchise granted to bridge corporation may be resumed if bridge not erected within limited time,	397
FRANKFORD CREEK.	
See Waters and Water Courses; Highways.	
FRANKFORD, BOROUGH OF.	
Erected, and its boundaries declared,	440
Election of borough officers,	441
Method of holding elections and making returns thereof,	441
Name, power and privileges of the corporation,	442
May pass ordinances and appoint officers,	443
Vacancies, how to be filled,	443
Power if burgesses abate nuisances,	443
Recovery of fines and forfeitures,	443
Regulators to be appointed, and their powers and duties,	444
Regulations as to party walls,	444
Penalty for encroaching on building lines,	444
Appeal from judgments of burgesses or justices, and orders of regulators to quarter sessions,	444

	Page.
FRANKFORD, BOROUGH OF—Continued.	
Qualification of borough officers, ..	445
Former officers to continue to act until successors qualify,	445
Annual elections to be advertised, ..	445
Powers of supervisors of highways, overseers of the poor and constables,	445
FRANKLIN COUNTY.	
Part of Bedford county annexed to, and to be considered part of Montgomery township,	92
Place of holding elections therein fixed,	92
Boundary line to be run and reported to Court of Quarter Sessions of respective counties, to be there recorded,	92
Expense thereof, how to be defrayed, ..	93
Sixth election district of, erected, ..	430
Place of holding elections therein fixed,	430
Time of holding common pleas and quarter sessions courts in, fixed, ..	486
To compose a district and elect one senator,	583
To elect three representatives,	585
FRANKLIN, TOWN OF.	
See Lands (Public).	
Repeal of improvement clause as to lots in,	410
Preemption continued in favor of purchasers, provided they apply within twelve months and pay the same,	411
Courts of Venango county to be held at,	458
Act relative to the sale of town and out lots in, extended for one year, ..	568
FRANKLIN TOWNSHIPS.	
Special election district established in,	406
FRANKSTOWN BRANCH OF JUNIATA RIVER.	
See Bridges; Highways.	
FRAUD.	
See Criminal Law.	
FREE BRIDGES.	
See Bridges.	
FREE SCHOOLS.	
See Colleges and Schools.	

FRENCH CREEK.

See Waters and Water Courses.

FUNDED CERTIFICATES.

See Certificates.

GAME LAWS.

Penalty for erecting and maintaining fish dams, baskets or pounds in the rivers Schuylkill, Susquehanna and Juniata, or their branches, 268

Penalty for neglect of persons residing on lands adjoining any such fish dams, etc., to give notice thereof, 269

Duty of the supervisors of the roads to view the rivers and give notice of any such fish dams, etc., 269

Proceedings to destroy such fish dams, etc., 269

Penalty for any supervisor failing to perform the duties required of him, 269

Appeal allowed on conviction under the act, 269

Fishing in Juniata river and its branches regulated, 501

Penalty for violation, 501

Penalty for obstructing the passage of fish in the rivers Codorus and Conewago, 582

Penalty for fishing in said rivers during certain seasons, 582

GAOLS.

See Buildings (Public).

GENERAL ASSEMBLY.

See also Senate; House of Representatives.

Certain emergency expenses of members, to be paid, 22

Abstract of accounts of Lehigh Navigation Company to be submitted to Legislature every three years, 33

Bridge over Schuylkill River may be redeemed after expiration of twenty-five years by authority of Legislature upon payment of its appraised value, 42

	Page.		Page.
GENERAL ASSEMBLY—Continued.		GETTYSBURG.	
Abstract of accounts of company for erecting bridge over Schuylkill River to be submitted to Legislature every three years,	45	Lots in, to be purchased and public buildings erected thereon for the use of Adams County,	478
Accounts of turnpike road from Philadelphia to Reading to be submitted annually to,	85	GLEN, JOHN.	
While Legislature is in session, special elections in Philadelphia and Blockley and Kingessing townships to be held in City Hall, ..	198	See Acts of Assembly (Private).	
Next session of, to be held at Lancaster,	240	GOVERNOR.	
Apportionment of representation in the Legislature for Allegheny, Beaver, Butler, Mercer, Crawford, Erie, Warren and Venango Counties	461	See Executive Department.	
Abstract of accounts of Germantown and Perkiomen Turnpike Road to be submitted annually to the Legislature until the road is completed,	537	When he is to issue patent of incorporation to Lehigh Navigation Company,	25
GENERAL ASSEMBLY OF THE PRESBYTERIAN CHURCHES OF THE UNITED STATES OF AMERICA.		To fix places of taking toll by Lehigh Navigation Company,	28
See Churches.		Scheme of lottery for raising money for purpose of said Company to be submitted to,	34
GENERAL ELECTIONS.		Schemes of certain lotteries to be submitted to,	48
See Elections.		Schemes of certain lotteries to be submitted to,	50
GERMAN CALVINIST CHURCH OF NEW HOLLAND.		To appoint Commissioners to run boundary between Northampton and Wayne Counties,	66
See Churches.		When he may incorporate subscribers to turnpike road from Philadelphia to Reading,	73
GERMAN EPISCOPAL CHURCH OF GREENCASTLE.		Authorized to appoint two additional notaries public in Philadelphia county, one to reside in Southwark and the other in the Northern Liberties,	113
Franklin County. See Churches.		Scheme of lottery for raising money for completing Presbyterian meeting house in Mifflintown to be submitted to,	162
GERMAN LUTHERAN CHURCHES.		To judge of the election of sheriffs and coroners, and his powers therein,	17
See Churches.		When he may change fixed place of election in Philadelphia,	
GERMAN REFORMED CHURCHES.		Empowered to borrow a sum money on the credit of the revenue arising from vendues, pay advances by citizens epidemic,	
See Churches.		Scheme of the lottery for money to complete the St. Augustin's Rector Church and the commissioners to be	
GERMAN REFORMED CONGREGATION OF PHILADELPHIA.			
See Churches.			
GERMANTOWN AND PERKIOMEN TURNPIKE ROAD.			
See Highways.			
GERMANTOWN, TOWNSHIP OF.			
Number of election inspectors to be chosen in,	440		

	Page.
GOVERNOR—Continued.	
Certain officers of the militia to be appointed by,	281
Empowered to appoint an auctioneer for selling horses, cattle and carriages in Philadelphia,	313
Empowered to contract for opening and improving the road between the Bald Eagle's Nest and the Allegheny River, and to lay out and open a road from the Allegheny River to Le Boeuf,	314
Empowered to direct actual surveys of reserved lands adjoining towns of Erie, Franklin, Warren and Waterford, and to lay the same off in lots,	324
To appoint commissioners to appraise and sell said lots,	326
Authorized to grant patents upon payment of full purchase money,	326
Empowered to contract for altering and amending the road between the Frankstown branch of Juniata River and Conemaugh River,	333
Empowered to appoint commissioners to ascertain the best route for connecting the Delaware and Chesapeake Bays, and to contract for improving the navigation of the Susquehanna River,	338
Empowered to obtain a loan from the Bank of Pennsylvania,	348
Act empowering, to procure arms for the militia suspended,	348
To submit account of disbursements on account of executive expenses to next Legislature,	350
To appoint a resident and consulting physician, health officer and quarantine master for Port of Philadelphia,	352
Authorized to appoint commissioners to run boundary line between York and Adams Counties,	394
Authorized to subscribe for copies of Read's Abridgment of Laws of Pennsylvania when proper bond for completion furnished,	398

	Page.
GOVERNOR—Continued.	
To approve scheme of lottery for German Reformed churches in Lebanon borough and town of Heidelberg, Dauphin County, and take bond, etc., from Lottery Commissioners,	402
To appoint Commissioners to run boundary lines of Beaver County,	454
To appoint commissioners to run boundary lines of Butler County,	455
To appoint commissioners to run boundary lines of Mercer County,	455
To appoint commissioners to run boundary lines of Crawford County,	456
To appoint commissioners to run boundary lines of Warren County,	457
To appoint commissioners to run boundary lines of Venango County,	458
To appoint commissioners to run boundary lines of Armstrong County,	459
To appoint commissioners to lay out a road from McConnellsburg to the State Road near the top of Ray's Hill in Bedford County, ..	470
To appoint agent to examine and report on work of laying out and improving a road from David Beale's in Mifflin County to George M'Mullin's in Cumberland County, ..	487
To appoint commissioners to sell the house intended for the President of the United States and the lots adjoining thereto,	488
To execute deeds for such lots when sold,	490
To submit to General Assembly an account of the expenses of the executive department,	492
Authorized to draw money for improving the road from David Beale's in Mifflin County to George M'Mullin's in Sherman's Valley, Cumberland County,	513

Index.

	Page.	
GOVERNOR—Continued.		GREEN
Authorized to draw for the amount shown to be due on a settlement of the accounts of Clement Biddle, Esq., of the money expended in educating John Konkapot, Jr., etc., provided it does not exceed a specified sum,	515	Pla
To appoint commissioners to run part of the line between Chester and Lancaster Counties,	523	tl
When he may incorporate the Germantown and Perkiomen Turnpike Road,	525	Par
To appoint agent to inquire into persons unlawfully taking possession of, entering, etc., certain public lands,	543	tc
To issue his proclamation relating to intrusions on such lands,	545	sl
To appoint commissioners to run the lines of Lycoming County where bounded by Northumberland and Luzerne Counties,	559	Pla
Authorized to negotiate a loan if found necessary,	562	th
Interest not to exceed six per cent. per annum,	562	Pow
GOVERNMENT, SEAT OF.		to
See Capital.		App
GRAFTS, ISAAC.		Time
See Acts of Assembly (Private).		qu
GRAND JURY.		Toge
Act directing making of enumeration of taxable inhabitants to be given in charge to, and the returns laid before them for their inspection,	435	col
GRANTS.		ser
See Appropriations.		To el
GRAPES.		GREENS
See Vines.		Erect
GRAY, WILLIAM.		Its b
See Acts of Assembly (Private).		Who
GREENCASTLE, FRANKLIN COUNTY.		elec
See Churches, Lotteries.		Perso
GREENE COUNTY.		vote
Place fixed for holding elections in Green election district,	262	gea
Separate election district erected in,	264	Mann
		tifyl
		Power
		Ordin
		cons
		weal
		Limita
		asset
		Procee
		All ta
		laws
		levies
		Boroug
		Name,
		corpo
		Market
		certain
		Penalty
		ough
		Recover
		penalt
		Appeal
		burger
		mon
		Qualifica

	Page.		Page.
HABEAS CORPUS.		HEALTH LAWS—Continued.	
See Practice and Procedure.		Appropriation to pay existing debts	
HARRISBURG.		of Marine and City Hospitals, ...	124
See Churches; Lotteries.		Tax to be levied annually for sup-	
HAWKERS.		port of health office and City and	
Who only may be licensed as hawk-		Marine Hospitals,	125
ers or peddlers,	211	Limitation of tax,	125
HAZLEWOOD, JOHN.		Power of corporation to borrow	
See Acts of Assembly (Private).		money in an emergency,	125
HEALTH LAWS.		And to levy taxes to repay the	
See Epidemics.		same,	125
The Marine Hospital of the Port of		Assessments, how to be made and	
Philadelphia established on State		levied,	125
Island,	118	Boarding house keepers to report	
City Hospital established,	119	sick boarders to health office,	126
Property vested in manager,	119	Proceedings thereupon,	126
Managers incorporated,	119	Power of board to remove infected	
Their powers,	119	persons and to quarantine,	127
How managers to be appointed, ..	119	Power of board to remand vessels	
Time and place of meeting of man-		to the Marine Hospital,	127
agers for organization,	120	Power of board to prohibit inter-	
President and treasurer to be chos-		course with infected places in	
en,	120	America,	128
Treasurer to give bond,	120	Penalties under act, how to be re-	
His duties,	120	covered and applied,	129
Employes of hospital,	120	Powers of former health officers and	
Meetings of board of managers, ..	120	inconsistent with act delegated to	
Additional powers and duties of the		new officers,	129
board,	120	Parts of former acts repealed,	129
Regulations for the examination of		How health officers may be removed	
vessels,	121	from office,	129
Duties of the resident physician and		No citizen disqualified from acting	
health officer in examining ves-		as judge, juror or witness by rea-	
sels,	121	son of any interest in the penalty	
Commanders of vessels passed to		imposed for any offence under act,	130
have a certificate of health and		Limitation of duration of act,	130
present it at the health office,	121	Board of Health incorporated,	352
Penalty for failure of commander		Corporate powers thereof,	352
to present certificate,	122	Members thereof, how to be ap-	
Proceedings where vessel is sus-		pointed,	352
pected of being infected,	122	Notices of appointment and meeting	
Appeal from report of the resident		to be given to members,	352
physician or health officer, and		Provision in case of death or refusal	
proceedings thereon,	122	to serve,	352
Officers and employes of marine hos-		Officers to be chosen,	352
pital not to be absent without		Treasurer to give bond,	352
leave during certain months under		Duties of treasurer,	352
penalty,	123	Meetings of the board and their pro-	
Duration of quarantine prescribed, ..	124	ceedings,	352
		Empowered to make rules regulat-	
		ing lazaretto and quarantine, ..	352

Index.

	Page.	HEAL
HEALTH LAWS—Continued.		
Governor to appoint a resident and a consulting physician, health officer and quarantine master, ..	352	Pr
Board to appoint other necessary officers and fix their compensation, ..	352	
Minutes to be kept of their proceedings,	352	Pe
Buildings of the Marine Hospital and the City Hospital vested in the Board with power to sell, ..	354	s
Board empowered, with consent of Governor, to purchase sites and erect buildings for a public hospital and lazaretto,	354	t
Marine Hospital to be used as a Lazaretto until such purchase,...	354	Cer
Vessels arriving during certain months to anchor at the Lazaretto for examination,	355	i
Penalty for proceeding with vessel before examination and certification,	355	d
Duties of resident physician and quarantine master in visiting and examining vessels at Lazaretto, .	356	a
Certificate to be granted if they are satisfied after examination,	356	Off
Certificate to be presented to health officer in Philadelphia under penalty,	356	w
Suspected vessels to be detained and report made to health officer,	356	m
Penalty on any captain refusing to comply with requirements of act, ..	356	Dut
Vessels arriving during certain months from certain places to be quarantined,	358	Dut
When such vessels may be discharged,	358	Off
Vessels arriving from suspected places may be detained,	358	ph
What goods may be removed on lighters,	358	in
How vessels under quarantine may be permitted to depart beyond the Capes of Delaware,	358	Com
		col
		Fees
		tin
		sul
		col
		Com
		qua
		Disea
		mai
		cha
		Penal
		scor
		Penal
		absc
		Expen
		fray
		Penalt
		boar
		Penalt
		of la
		Vessels
		with
		to la
		ing in
		Vessels
		site a

	Page.		Page.
HEALTH LAWS—Continued.		HEALTH LAWS—Continued.	
Forfeitures, penalties and expenses, how and by whom to be paid,	369	Certain former laws repealed,	375
City Hospital to be continued to be used until a more convenient one is provided,	369	Duration of act limited,	375
Persons with contagious diseases to be maintained there,	369	Board of Health authorized to sell lazaretto on State Island and ap- ply the proceeds to building new lazaretto on Tinicum Island	541
Expenses to be paid by patients un- less exempted by Board,	369	HEALTH OFFICER.	
Proceedings in case a contagious disease rages in any part of the American Continent,	370	See Health Laws.	
Communication with infected parts of the city, how to be stopped, ..	370	HELLAM TOWNSHIP, YORK COUNTY.	
Individuals infected with contagious diseases, how to be quarantined, ..	371	See Churches.	
Penalty for resisting or assaulting any officer of the department, ..	371	HEMPFIELD TOWNSHIP.	
Penalties under act to inure to the benefit of the institution,	372	See Westmoreland County.	
But no inhabitant to be thereby dis- qualified from acting as judge, juror or witness,	372	HERR, BENJAMIN.	
Limitation for bringing actions and proceedings under this act,	372	See Acts of Assembly (Private).	
Provisions for cleansing the city and suburbs,	373	HIGH CONSTABLE.	
Penalty for neglecting or refusing to carry out such provisions,	373	See Constables.	
Funds for the purpose of this act to be raised by taxation,	373	HIGHWAYS.	
Limitation of sum so to be raised, ..	373	See also Bridges, Tolls, Waters and Watercourses.	
Board empowered to borrow on the credit of such taxes,	373	Moneys remaining in the hands of the overseers of the poor of the townships in Lancaster and Ches- ter counties to be applied to re- pairing the roads therein,	21
Accounts of the institution to be annually reported to the Governor and published,	374	Pine Creek in Lycoming County de- clared a public highway,	60
Pilots bringing up vessels apparent- ly healthy not to be quarantined, ..	374	Obstructions to navigation may be removed and slopes at mill dams erected,	60
But no such pilot to enter Philadel- phia or suburbs until twenty days after the date of his certificate, ..	374	Persons heretofore authorized may erect dams, provided they are so constructed with slopes and locks as not to injure the navigation, .	61
Penalty for violation,	374	Parts of the Ohio, Big Beaver Creek, French Creek, Conewago Creek, Causawago Creek, Little Coniate Creek, Toby's Creek, Oil Creek, Broken Straw Creek and Sandy Lick Creek declared pub- lic highways,	69
Pilots bringing in infected vessels may remain at lazaretto during quarantine of such vessels,	374	Obstructions to navigation therein may be removed,	69
Pilots infected to be quarantined and subject to same penalties for escaping etc., as passengers,	374	Copies to be furnished the clerk of Quarter Sessions of the records of roads in Philadelphia County, ..	70
		Such copies shall be deemed matters of record,	70

Index.

HIGHWAYS—Continued.		Page.	HIGH
Report of that part of the road from Philadelphia to York lying between Fawks' Tavern and West Chester confirmed,	71	Po	
Courts of Quarter Sessions of counties through which the road passes authorized to cause the same to be opened,	71	Re	
Commissioners appointed to receive subscriptions for a turn-pike road from Philadelphia to Reading,	71	a	
Form of subscription,	72	e	
Notice to be published in newspapers,	72	Re	
Who may subscribe and for what number of shares,	73	c	
Payment on account to be made at time of subscribing,	73	Pov	
When Governor may incorporate subscribers,	73	r	
Name of corporation,	73	Two	
Privileges and powers of the corporation,	73	cl	
When and how officers shall be elected,	74	Pro	
May make by-laws not inconsistent with constitution and always of the Commonwealth,	74	ke	
Limitation of votes,	74	Pen	
Meetings of the corporation,	75	Acco	
Certificates of stock to be prepared and to be transferable,	75	ke	
Meetings of president and managers,	75	th	
Their powers and duties,	75	Whe	
Penalty for not making payments on subscriptions when due,	76	be	
Power to enter on lands and take materials for the road,	76	Acco	
Course of the road,	77	Whe	
When it may be changed,	77	pal	
Power to pass through contiguous lands,	77	Acco	
How damages incurred thereby to be compensated,	77	lat	
Form and structure of the road, ..	78	Whe	
Power to erect necessary bridges, ..	78	inc	
		Surpl	
		in	
		Whe	
		roa	
		Index	
		Milest	
		Distan	
		twec	
		gate	
		Penalt	
		mile	
		Rules	
		Penalt	
		with	
		Limita	
		and	

	Page.
HIGHWAYS—Continued.	
Penalties for attempting to avoid toll for passing over the turnpike between Philadelphia and Lancaster with intent to defraud the company, and for unlawfully claiming exemptions,	130
Penalty for breaking or defacing mile stones, direction posts, or turnpike gates,	131
Scales and weights to be established at turnpike gates,	132
When and how wagons, etc., to be weighed,	132
Penalty for refusing to allow the same to be weighed,	132
Limitation of time for beginning suits under acts,	133
Pleadings in such suits,	133
Abraham Witmer authorized to build a bridge over the Conestoga Creek on the road from Philadelphia to Lancaster,	135
Frankford Creek, Philadelphia County declared a public highway,	148
Obstructions to navigation may be removed,	148
Bridge on Bristol Road not to be affected,	148
Appropriation for completing three bridges and causeways and repairing the state road in Bedford County,	214
Toll demandable on road from Philadelphia to Reading near Perkiomen bridge, in Montgomery County,	215
Rates of toll,	216
Toll gates to be erected and keepers appointed,	217
Penalty for extorting higher rates of toll,	217
Appeal allowed,	217
Time within which suit to be brought,	217
Compensation of commissioners, toll gatherers, etc.,	218

	Page.
HIGHWAYS—Continued.	
Commissioners empowered to borrow money to complete Perkiomen bridge, pledging the tolls for the repayment thereof,	218
When road and bridge are to be free,	218
Accounts of commissioners to be settled annually,	218
Additional appropriation for the road from Frankstown to Pittsburgh,	241
To be paid out of arrearages of taxes due by Westmoreland to the commonwealth,	241
Dunkard creek in Green county declared a public highway,	254
Governor authorized to receive proposals for opening a road from Newbury, Lycoming county, to the one hundred and nine mile stone on the New York boundary line,	267
Expenses in the first instance to be defrayed by subscriptions,	268
When completed and surveyed a grant to be made to reimburse subscribers,	268
Little Schuylkill river declared a public highway,	309
Obstructions may be removed therefrom, and slopes and locks constructed in dams,	309
Governor empowered to contract for opening and improving the road between the Bald Eagle's Nest and the Allegheny River, and to lay out and open a road from the Allegheny River to Le Boeuf,	314
Slight deviations may be made in the courses of said road as laid out,	314
Appropriation for the work,	315
Governor empowered to draw in favor of the commissioners of Mifflin County on the treasurer of Cumberland County for \$800,	323
Fund out of which payment to be made and how credit to be given,	323
Said sum appropriated towards opening and improving the road through Penn's Valley mountains,	323

HIGHWAYS—Continued.

Page.

Appropriation for opening and improving the state road from Bedford to Pittsburg,	324
Fund out of which payment to be made, how to be drawn, and how credit to be given,	324
Fishing Creek and Little Fishing Creek declared public highways and provision made for clearing obstructions to navigation therein,	329
Rights of owners of lands authorized to erect dams preserved,	329
Dams to be erected and maintained so as not to interfere with navigation,	329
Confirmation of change made in the course of the road between the Frankstown branch of Juniata River and Conemaugh River, ...	332
Appropriation for erecting the same,	332
Governor empowered to contract for altering and amending said road,	332
Conditions of contract,	333
Further appropriation for the work,	334
Act for making a road from Philadelphia to Lancaster continued,	347
Tolls collected on said road may be leased,	347
Shaver's Creek, in Huntingdon County, declared a public highway,	409
Big Schuylkill declared a public highway,	429
Act providing for opening and maintaining highways within the State made perpetual,	430
Powers of supervisors of, in Frankford Borough,	445
Appropriation for road from McConnelsburg to the State Road near the top of Ray's Hill, Bedford County,	470
Governor to appoint commissioners to lay out the road and make contracts for its construction, ..	471

41—XVI

HIGHWAYS—Continued.

Page.

Commissioners appointed to lay out and improve a road from David Beale's in Mifflin County, to George M'Mullin's in Cumberland County,	487
Governor to appoint agent to examine work and report,	487
Expense limited, and how to be paid,	487
Neshanock Creek, Mercer County, declared a public highway,	511
Obstructions may be removed therefrom provided private property is not injured,	511
Dams previously authorized may be erected provided they are constructed so as not to interfere with navigation or the passage of fish, ..	512
Governor authorized to draw for money for improving the road from David Beale's in Mifflin County, to George M'Mullin's in Sherman's Valley in Cumberland County,	513
Fund out of which payment is to be made,	513
An Act to enable the Governor to incorporate a company for making a road from Philadelphia through Germantown and Chestnut Hill to the Perkiomen creek in Montgomery County,	525
Commissioners appointed,	525
Their duties in opening subscriptions for stock of the company, ..	525
How payment to be made for the stock,	525
When two hundred and fifty shares are subscribed for by forty or more persons a return to be made to the Governor,	527
Whereupon the Governor to incorporate the subscribers,	527
Corporate title and powers and privileges,	527
Proceedings to organize corporation,	527
Officers to be elected,	527
Limitation of votes,	527
Time and place of meetings,	528

	Page.
HIGHWAYS—Continued.	
Certificates of stock to be issued and to be transferable,	528
Meetings of president and managers,	529
Powers and duties of president and managers,	529
Penalty for failure to pay subscriptions,	529
Courses and distance of the road, ..	530
Width and construction of road,	530
Power to erect bridges,	530
When and how toll gates may be erected,	531
Rates of toll,	531
Penalty for falsely representing distance traveled on road,	531
Penalty for demanding more than legal toll,	531
Limitation of weights to be carried during certain seasons in vehicles whose wheels are of a certain width,	533
Penalty for failure to observe such regulations,	533
Power to change regulations provided the load allowed is not lessened,	533
Tolls charged for two oxen or one mule to be the same as for one horse,	534
Proceedings and penalties if the road is not kept in repair,	534
Recovery and application of such penalties,	534
Penalty for attempting to escape payment of toll with intent to defraud company,	535
Persons unjustly prosecuted to be compensated by company,	535
Officers to keep accounts of all receipts and disbursements, and to submit them annually to the stockholders until the road is completed,	536
When and how the capital stock of the company may be increased, .	536
Dividends, how and when to be paid, ..	537
Abstract of accounts to be submitted annually to the Legislature until the road is completed,	537

	Page.
HIGHWAYS—Continued.	
When tolls may be increased,	537
When road to be free,	537
Index signs to be erected at intersections of roads,	538
Mile stones to be erected,	538
Penalty for wilfully destroying signs or mile stones, or throwing rubbish, etc., on the road,	538
Such fines to be applied to the use of the company,	538
Rules of the road,	539
Penalty for disregarding them, ...	539
Limitation for commencing and finishing the road,	540
How the state may purchase the road,	540
Penalty for attempting to avoid payment of tolls on the road from Lancaster to the Susquehanna River near Wright's Ferry,	574
Penalty for breaking or defacing milestones, index-posts or turnpike gates,	576
Scales and weights may be erected at certain turnpike gates for weighing loads suspected of being greater than allowed,	576
Penalty for refusing to allow load to be weighed,	576
Limitation within which suits may be brought under this or previous act,	577
Defendants may plead the general issue and give the acts and special matter in evidence,	577
Tolls may be leased,	577
Parts of rivers Codorus and Conewago declared public highways, ..	580

HORSES.

See Animals, Auctions and Auctioneers.

HOSPITALS.

See Health Laws.

HOUSES OF EMPLOYMENT.

See Lancaster County; Chester County.

	Page.		Page.
HOUSE OF REPRESENTATIVES.		HUNTINGDON COUNTY—Continued.	
See General Assembly.		Part of West township annexed to	
Provisions for distributing the jour-		first district,	500
nal of the, among the different		Place of holding elections therein	
counties,	272	fixed,	500
Provisions for distributing them in		Commissioners to be appointed to	
the counties,	272	run part of the boundary line be-	
Ratio of representation in,	585	tween, and Centre County,	503
Number of representatives to be		Courses of line fixed,	503
elected by each county fixed,	585	Duplicate plots of such line to be	
Elections of representatives to be		made and one deposited in the re-	
held as prescribed in the constitu-		recorder's office of each county, ..	503
tion and laws of the state,	586	Expenses, how to be defrayed,	503
HULINGS, JAMES.		Inhabitants of, authorized to erect	
See Acts of Assembly (Private).		a bridge across the Little Juniata	
HUNTINGDON COUNTY.		River	556
Commissioners appointed to run		Together with Bedford and Somerset	
part of the boundary line between		counties to compose a district and	
Bedford and Huntingdon Counties,		elect one senator,	583
also between Huntingdon and		To elect two representatives,	585
Somerset Counties,	88		
Duplicate plots of the lines run to		HUSBAND AND WIFE.	
be made and deposited in the Re-		See Marriage and Divorce.	
corder of Deeds office,	89	IMPORTS.	
Expenses, how to be paid,	89	See Exports and Imports.	
Seventh election district of, erected,	113	IMPRISONMENT FOR DEBT.	
Place fixed for holding elections		See Bankruptcy.	
therein	114	INCORPORATED SOCIETIES.	
Part of the fifth election district an-		See Corporations.	
nexed to the third,	114	INDEMNITY.	
Place fixed for holding elections		See Acts of Assembly (Private);	
therein,	114	Rittenhouse, David.	
Second and eighth election districts		INDENTURES.	
of, erected,	147	See Apprentices.	
Place of holding elections therein		INDIANS.	
fixed	148	Appropriation to pay for surveying	
Place of holding elections in the		lands heretofore granted to Corn-	
fourth district changed,	266	planter, a Seneca Indian Chief, .	7
Centre county formed of part of, ..	403	Appropriation for completing the	
Terms of court therein, fixed,	404	education of John Konkapot, Jr.,	
To collect arrearages of taxes pre-		an Oneida Indian	336
viously assessed in newly formed		INDIAN CORN FLOUR.	
Centre County	405	How to be packed, marked and	
Ninth election district erected, ...	499	branded when intended for expor-	
Place of holding elections therein		tation,	482
fixed,	499	How to be inspected before exporta-	
Part of sixth district annexed to the		tion,	482
first district,	500	Proceedings if condemned,	483
Place of holding elections therein		May be packed in hogsheads,	483
fixed,	500		

- | | Page. | | Page. |
|--------------------------------------------------------------------------------|-------|---------------------------------------------------------------------------------------|-------|
| INDIAN CORN FLOUR—Continued. | | INTEREST AS DISQUALIFICATION OF | |
| Construction, dimensions and marking of such hogsheads, | 483 | WITNESS. | |
| Fees for inspection | 483 | See Evidence; Witness, Disqualifications. | |
| May be branded "fine" in addition to other markings, | 484 | JAIL. | |
| To be inspected as such, | 484 | See Buildings (Public). | |
| Proceedings if condemned, | 484 | JOINT COMMISSION. | |
| Disputes over inspection, how to be settled, | 484 | See Commissioners. | |
| Fines and forfeitures of former act to apply to | 485 | JOINT EXECUTORS AND ADMINISTRATORS. | |
| Fines and penalties, how to be recovered and applied, | 485 | See Executors and Administrators. | |
| INFANTS. | | JOINT TENANTS. | |
| See Military Law: Apprentices. | | See Partition. | |
| INFECTIOUS DISEASES. | | JONES, DAVID. | |
| See Health Laws. | | See Acts of Assembly (Private). | |
| INLAND NAVIGATION. | | JONES, JOHN. | |
| See Lehigh Navigation Company; Navigation; Waters and Watercourses; Highways. | | See Acts of Assembly (Private). | |
| INQUESTS. | | JONESTOWN, DAUPHIN COUNTY. | |
| See Partition. | | See Bridges; Lotteries. | |
| INSOLVENT DEBTORS. | | JOURNAL OF THE HOUSE OF REPRESENTATIVES. | |
| See Bankruptcy. | | See House of Representatives. | |
| INSPECTORS. | | JOURNAL OF THE SENATE. | |
| See Rye Flour; Indian Corn Flour. | | See Senate. | |
| Fees of Inspector of flour for city and county of Philadelphia, | 46 | JUDGES. | |
| By whom fees to be paid, and how to be charged on sale of flour, | 46 | See Courts. | |
| Fees to be paid by exporter to inspector of staves and heading increased | 51 | JUDGMENTS. | |
| INSPECTORS OF ELECTION. | | Lien of, already on record limited to five years from the passing of the act, | 133 |
| See Election. | | Lien of, thereafter entered limited to five years from the first return day, | 134 |
| INTEREST. | | Proceedings on scire facias to revive a judgment and preserve its lien | 134 |
| See Loans (Public); State Island; Tinicum Island. | | Lien of, to be confined to lands in the county where the judgment was rendered, | 206 |
| INTESTATES. | | Stay of execution on judgments in causes removed from justices, .. | 570 |
| See Decedents Estates. | | JUDGES OF ELECTION. | |
| INTIMIDATION. | | See Election. | |
| See Criminal Law. | | JUDICIAL DISTRICTS. | |
| IRWINE, GEN. WILLIAM. | | See Courts. | |
| See Acts of Assembly (Private). | | | |
| ISLANDS. | | | |
| See Lands (Public). | | | |

	Page.		Page.
JUNIATA RIVER.		JUSTICES OF THE PEACE—Continued.	
See Bridges; Waters and Water Courses.		Provision where title to lands comes in question,	187
JURIES AND JURY TRIALS.		Jurisdiction of, extended to actions for rent not exceeding \$53.33, . . .	188
See also Grand Jury.		Proceedings in such actions,	188
Persons summoned as jurors excused from militia duty,	292	Set off allowed in cases of distress for rent under \$53.33,	189
Freemen of Philadelphia competent as jurymen in prosecutions for breach of ordinances, etc., notwithstanding their interest as members of the corporation, . . .	343	Proceedings in such cases,	189
JURISDICTION.		Appeals allowed,	189
See Courts; Aldermen's Courts of Philadelphia; Magistrates; Justices of the Peace.		Actions to which this act shall not be construed to extend,	189
Of Justices of the Peace and Aldermen and Aldermen's Court of Philadelphia extended to actions of trespass where the damages do not exceed \$20 and also to actions for rent not exceeding \$53.33,	187	Repeal of parts of former acts, . . .	191
Of Circuit Courts,	201	Limitation of act,	191
JURORS.		Stay of execution on judgments in causes removed from,	520
See Courts.		KINGSESSING, TOWNSHIP OF.	
JUSTICES OF THE PEACE.		See Philadelphia, City of; Elections. Philadelphia, County of.	
See Constables; Magistrates.		KONKAPOT, JOHN, JR.	
Act extending powers of, continued, . . .	93	See Acts of Assembly (Private). Appropriation for completing the education of an Oneida Indian, . .	336
Powers of, extended to certain cases of rent,	94	LAMPS.	
Landlords compelled to set off just account of tenant, but may distraint for balance	94	Tax to be laid in the Northern Liberties in accordance with an act to provide, etc.,	452
Penalty on landlord distraining for and selling more than to the amount of such balance, or detaining surplus,	94	LANCASTER.	
To keep ballot boxes between general elections,	178	Appropriation for the removal of the seat of government from Philadelphia to,	49
Penalty for any justice refusing to receive tickets and papers connected with general elections, or neglecting or refusing to properly care for them,	178	Meeting of electors of the president and vice-president to be held in the court house at,	494
Jurisdiction of, extended to actions of trespass where the damages do not exceed \$20,	187	LANCASTER, BOROUGH OF	
Proceedings in such actions, . . .	187	Seat of government removed to, . .	239
Costs where damages are less than \$1,	187	Next session of the legislature to be held in,	239
		What offices to be removed,	240
		Commissioners appointed to superintend the removal,	240
		Appropriation to defray the expenses,	240
		LANCASTER COUNTY.	
		Poor house to be erected in,	15
		Directors of the poor, how to be elected,	15
		Certificate of election	15
		Meetings of directors and rotation of service,	15

LANCASTER COUNTY—Continued.	
Directors incorporated,	16
Name of corporation,	16
Its immunities, powers and duties,	16
Treasurer, his qualification and duties,	16
Seal of corporation,	16
Estimates to be made of cost of erecting buildings, maintaining poor, etc.,	17
Tax to be raised for defraying the same,	17
Directors to account annually under penalty,	17
Return of persons in poor house, ..	17
Trustees appointed to select place of erecting poor house, and report same to Quarter Sessions,	18
When and how poor shall be removed to buildings erected under this act,	18
Exception as to the sick, and how they are to be provided for, ...	18
Directors required to provide for and employ the poor,	19
Manner of doing so,	19
Power of directors to make rules and regulations,	19
Meetings of directors,	20
Compensation of directors,	20
How vacancies to be supplied,	20
Moneys remaining in the hands of the overseers of the poor of the townships to be applied to repairing the roads therein,	21
When the office of overseer of the poor within the county to be abolished,	21
Compensation of clerks of Quarter Sessions for services under act, .	21
Repeal of parts of former laws, hereby supplied,	21
Directors of the Poor empowered to sell lands, and apply the proceeds to maintain the poor and erect proper buildings,	159
Payments and compensation to be made in connection with the erection of poor houses in, provided said buildings are completed in two years,	159

LANCASTER COUNTY—Continued.	
Seventh election district erected in,	262
Place fixed for holding elections therein,	262
Place fixed for holding elections in the third district of,	263
When Courts of Quarter Sessions are to be held in,	481
Time fixed for holding Common Pleas and Quarter Sessions courts in,	486
Governor to appoint commissioners to run part of the line between, and Chester County,	523
Surveys previously made not to be affected by act,	524
Expenses to be borne equally by the two counties,	524
Commissioners of, authorized to purchase from Christian Binkley the bridge over the Conestoga river in,	557
Eighth election district of, erected,	579
Place fixed for holding elections therein,	579
To compose a district and elect two senators,	583
To elect six representatives,	585
LANCASTER TURNPIKE COMPANY.	
See Highways.	
LANDINGS.	
See Wharves.	
LANDLORD AND TENANT.	
See Marsh and Meadow Lands.	
Powers of Justices of the Peace; Aldermen and Aldermen's Court extended to certain cases of rent,	94
Landlords compelled to set off just account of tenant, but may distrain for balance,	94
Penalty on landlord distraining for and selling more than to the amount of such balance, or detaining surplus,	94
Jurisdiction of Justices of the Peace and Aldermen and Aldermen's Court of Philadelphia extended to actions for rent not exceeding \$53.33,	187
Proceedings in such actions,	187

	Page.
LANDLORD AND TENANT—Continued.	
Set off allowed in cases of distress for rent under \$53.33,	189
Proceedings in such cases,	189
Appeals allowed,	189
Property of tenants liable for taxes but amount paid, may be set off against rent,	388
LAND OFFICE.	
See Lands; Receiver-General; Appropriations.	
Appropriation to pay clerks of the Surveyor-general, receiver-general and secretary of the, to report to the Legislature,	491
LANDS.	
Decedents Estates; Aldermen's Court of Philadelphia; Land Titles; Escheat; Surveys; Marsh and Meadow Lands; Unseated Lands; Eminent Domain; Land Titles.	
Certain trustees empowered to sell a lot in Lewisburg and purchase an adjoining lot with the proceeds, for a burying ground for the Presbyterian Congregation of Buffalo Township, Northumberland County,	6
Appropriation to pay for surveying of lands heretofore granted to Cornplanter, a Seneca Indian Chief,	7
Act extending time for patenting lands continued,	94
Estates tail may be barred by deed of grant, bargain and sale,	149
How estates tail heretofore sold may be confirmed in fee to the purchaser,	149
Interest to bar the entail shall be declared in the deed,	149
Deed to be recorded in the county where the land lies,	149
Lien of judgments to be confined to lands in the county where the judgment was rendered,	206
Testatum execution to be a lien on lands only from the time of the delivery thereof to the sheriff, ..	206

	Page.
LANDS—Continued.	
Grant of 2000 acres in Allegheny County to Gen. William Irwine to indemnify him for loss of Montour Island,	210
Trustees of the German Lutheran and Reformed Congregations of Creutz Church, Hellam Township, York County, empowered to sell and convey part of the trust estate,	213
Application of purchase money,	213
Limitation of amount of land to be sold,	213
Lot of land belonging to Baptist Church of Cumru township, Berks County, authorized to be sold,	224
Grant of a lot of ground for erecting a permanent bridge over the Schuylkill river,	244
Proceedings in case any claim of title to said lot is set up,	244
Commissioners appointed to ascertain the quality, quantity and location of lands in the Seventeen Townships in Luzerne county, held by Pennsylvania claimants before the decree of Trenton,	245
Lands to be divided into four classes and valued,	245
Commissioners not to act until 40,000 acres have been ceded to the state by Pennsylvania claimants and until Connecticut claimants to the same amount have agreed in writing to abide by the decision of the commissioners,	245
If sessions and agreements are not made to the full amount those made to be void,	245
Commissioners to examine only the lines bounding the original grants by lands agreed to be ceded,	245
Pennsylvania claimants to be compensated in certificates, transferable and bearing interest and receivable as specie in the Land Office,	245
Rate of compensation to the respective classes of claimants,	245

	Page.
LANDS—Continued.	
Certificates, how to be issued to Pennsylvania claimants,	247
Appropriation to pay certificates, .	247
Disputes between Pennsylvania claimants to be decided by the Board of Property, with appeal to the courts from their decisions, 247	
Time limited within which Pennsylvania claimants may apply for compensation,	247
Commissioners to ascertain the rights or lots of Connecticut claimants in the said Seventeen Townships before the decree of Trenton, and divide them into four classes,	248
Such original settlers applying before a certain date and securing the purchase money entitled to patents,	248
Titles of Pennsylvania claimants not to be affected until conveyed, 249	
Lands granted to Connecticut claimants to be mortgaged for purchase money,	249
Lands ceded by Pennsylvania claimants not applied for by Connecticut claimants before a certain date to be sold,	249
Proceedings to dispossess intruders on lands not so sold,	249
Oath to be taken by claimants, ...	250
Lands held under a joint title from Pennsylvania and Connecticut not within this act,	250
Oath to be taken by commissioners, 250	
Vacancies, how to be supplied,	250
Acts of majority of commissioners valid,	250
Commissioners to keep record of their proceedings,	250
And may appoint a clerk and surveyors, etc., who are to be qualified and compensated,	250
Return of all surveys to be made to the office of the surveyor general,	250
Compensation of commissioners, ..	251
Disputes between Connecticut claimants, how to be settled,	251

	Page.
LANDS—Continued.	
Governor empowered to direct actual surveys of reserved tracts of, adjoining towns of Erie, Franklin, Warren and Waterford, and to lay the same off in lots,	324
Reservation in each tract for schools and academies,	324
Surveys and general drafts to be returned,	324
Copies of surveys to be sent to commissioners appointed to sell said lots,	325
Proceedings of commissioners to make sales and terms of sale, ..	325
Record to be made of sales, certificate to be furnished purchasers, and copies thereof sent to the secretary's office,	326
Limitation of prices of lots,	326
Title not to vest unless actual settlement is made on the land,	326
Actual settlement defined,	326
Land and all payments to be forfeited on failure to make actual settlement,	326
Governor to appoint commissioners to appraise lots.	326
Commissioners to advertise lots for sale and the terms of purchase, ..	326
Governor authorized to grant patents upon payment of full purchase money,	326
How purchasers of lots in the second and third divisions of Erie may exchange for lots in the first division,	327
Lot reserved at mouth of Cascade Creek to be sold,	327
Bonds and compensation of commissioners,	327
Compensation of assistants to commissioners,	327
Time extended for applying for donation, lands,	328
Claims, how to be presented and allowed,	328
Land officers to advertise and draw lots for claimants,	328
Time limited during which powers under act may be exercised,	329
Residue of land to revert to Commonwealth,	329

LANDS—Continued.

Page.

- Premises occupied as parsonage, etc. by the Presbyterian congregation of Lower Mount Bethel, Northampton county, to be sold and a more convenient lot purchased, 330
- Aliens, not subjects of nations at war with the United States empowered to purchase and hold real estate, provided they have declared their intentions to become citizens, 337
- Aliens who have heretofore contracted for or purchased real estate may take and hold the same as fully as citizens, 337
- Repeal of improvement clause, as to lots in Erie, Franklin, Warren and Waterford, 410
- Preemption continued in favor of purchasers in those towns, provided they apply within twelve months and pay for the same, .. 411
- Executors of John Stein, empowered to convey a lot of land in pursuance of a parol agreement of the testator, 446
- The interest of any other persons therein not to be barred, 446
- Proceedings authorized to enable the administratrix of Samuel M'Cammon deceased, to convey certain lands which he agreed to sell in his lifetime, 446
- Commissioners of Chester county empowered to purchase for public uses a lot adjoining the jail and sell other lots, 448
- A lot of ground escheated to Commonwealth and used as burial ground between Ninth and Tenth streets on the south side of Lombard street vested in the City of Philadelphia, 451
- Repeal of the limitation act so far as it affects titles under the Susquehanna Company or the State of Connecticut, 453
- Five hundred acres to be laid off adjoining Beaver for the use of a school or academy to be established in Beaver, 466

LANDS.—Continued.

Page.

- Return of survey to be made and patent issued to trustees of Beaver county, 466
- Limitation act suspended for three years in cases affecting, 468
- Act to be read in open court by prothonotaries, 469
- Time for patenting, extended, 473
- Certificates to Pennsylvania Claimants of lands within the seventeen townships, Luzerne county, by Register-General and to be invalid without his signature, 473
- How such certificates to be canceled, filed and finally disposed of, 474
- Time for receiving applications from Pennsylvania Claimants extended, 474
- Lot vested in the trustees of the Fourth Presbyterian church, Philadelphia, for a church and burying ground, 480
- Governor to appoint commissioners to sell the house intended for the President of the United States and the lots adjoining thereto, .. 488
- Previous to sale premises to be divided into lots, 489
- Plan and ground plot to be made, 489
- Thirty days notice of sale to be given, 489
- Terms of payment, 489
- Governor to execute deeds, 490
- When deeds to be delivered, 490
- Building restriction affecting lots fronting on Market and Chestnut streets, 490
- Sums due employes around said building to be paid provided they do not exceed a specified amount, 490
- Governor authorized to issue a patent to Isaac Van Horne for certain donation lands in place of the lost original, 506
- Additional commissioners appointed to convey lots under a former law, 514
- Trustees of the Lutheran church, Hempfield township, Westmoreland county, authorized to convey a certain tract of land, 520
- Proof required on indictments for taking possession of, entering, etc., 542

LANDS—Continued.	Page.
Penalty on conviction for second such offence,	542
Penalty on more than two such convictions,	542
Governor to appoint agent to inquire into such offences,	543
His powers and duties,	543
Persons coming into certain counties to make certain declarations to said agent,	543
Penalty for failure,	543
Returns of such declarations to be made to the next court of quarter sessions to be filed there,	543
Penalty for resisting or obstructing agent or his deputies in their duties,	544
Mesne profits may be recovered in actions of ejectment under Connecticut State or Colony or Connecticut Susquehanna or Delaware company claims,	544
Special bail in certain actions of trespass,	545
Term of office of agent and his compensation,	545
Pleadings in actions under act, ..	545
Provisions for calling out the militia to enforce act,	545
Governor to issue proclamation, ..	546
Act to be read in common pleas courts of Northampton, Wayne, Northumberland, Lycoming and Luzerne counties,	546
Expenses of act, how to be defrayed, ..	546
A lot in Philadelphia vested in the German Reformed congregation for a burial ground and charity school,	547
Provisions to indemnify persons whose lands fall in New York State,	548
Commissioners of Philadelphia county authorized to sell and convey a part of the public landing in the Northern Liberties,	548
Appropriation of the grounds,	548
Provisions to reimburse persons whose lots fall within New York State,	560
Application to be made within three years from the passing of the act, ..	560

LANDS—Continued.	Page.
Board of Property to investigate suspected frauds and disputes between claimants,	561
Attorneys applying to make oath that they are interested only as attorney for the applicant,	560
Patents to issue for donation lands heretofore drawn,	561
Board of Property to investigate suspected frauds and disputes between claimants,	561
Procedure before the Board of Property in claims for donation lands, ..	561
Act not to be construed to impair any legitimate right to donation lands,	561
Act relative to the sale of town and out lots in Erie, Franklin, Warren and Waterford Counties extended for one year,	568
LANDS PARTITION OF.	
See Partition.	
LANES. See Philadelphia, City of.	
LAWS OF PENNSYLVANIA.	
See Acts of Assembly.	
LAZARETTO. See Health Laws.	
Board of Health authorized to sell lazaretto on State Island and apply the proceeds to building new lazaretto on Tinicum Island,	541
LEBANON, BOROUGH OF.	
Town of Lebanon erected into,	230
Its boundaries,	230
When and what borough officers to be elected, and qualifications of electors,	231
Proceedings at elections of borough officers, and making returns thereof,	231
Terms of office of borough officers, ..	231
Powers of borough officers to make ordinances, etc., regulating streets, etc., and levying taxes,	232
Limit of tax laid in any year,	232
Two markets to be held each week, ..	233
Clerk of the market to be appointed, ..	233
His duties,	233
Borough incorporated,	233
Its powers and privileges,	233

	Page.		Page.
LEBANON, BOROUGH OF—Continued.		LEHIGH NAVIGATION COMPANY—	
Penalty for refusing to act as a		Continued.	
borough officer, and the recovery		Proceedings to have every ten miles	
and application thereof, 234	234	of work examined as it is finished, 28	28
Appeal allowed from judgment of		Governor to fix places for taking	
burgesses or justice to the com-		toll, 28	28
mon pleas, 234	234	Collectors of toll to be appointed, 29	29
Qualification of borough officers, .. 234	234	Rates of toll, 29	29
LE BOEUF. See Highways.		Proceedings to ascertain size and	
LEGACIES. See Churches.		tonnage of boats and rafts,	
LEGISLATURE.		Same to be marked on the boats or	
See General Assembly; Senate;		rafts, 30	30
House of Representatives.		Power of collectors to stop and re-	
LEHIGH NAVIGATION COMPANY.		tain vessels, etc., for tolls, and to	
Commissioners appointed to receive		distrain therefor, 30	30
subscriptions to stock of, 23	23	Proceedings in case of distress, 30	30
Form of subscription, 23	23	Penalty for passing without paying, 31	31
Subscription when and how to be		Bonds may be required of officers	
made and to what amount, 23	23	and employees for faithful dis-	
When subscription books to be		charge of their duties, 31	31
closed and proceedings thereupon 23	23	Accounts of the corporation, how to	
Apportionment of shares in case of		be kept and when to be submitted	
over-subscription, 23	23	to the stockholders, 31	31
Payment on account to be made at		Capital stock, how and when it may	
time of subscribing, 23	23	be increased, 31	31
Compensation of commissioners, ... 23	23	Account of money received by col-	
Proceedings to obtain patent of in-		lectors to be kept, 32	32
corporation, 25	25	Dividends to be declared half yearly, 32	32
Name of corporation, 25	25	Abstract of accounts to be submitted	
Its powers and privileges, 25	25	to legislature every three years, 33	33
Power to remove all obstructions to		Tolls, when they may be increased,	
navigation on the Lehigh river, 25	25	and when they must be reduced, 33	33
Organization of corporation, 25	25	Penalty for injuring the works or	
Limitation of vote of stockholders, 25	25	impeding the navigation, etc., .. 33	33
Annual meetings and power of cor-		Lottery authorized to raise money to	
poration to make by-laws, 26	26	carry on improvements, but sum	
Certificates of shares how to be is-		so raised not to form part of capi-	
sued, and how transferable, 26	26	tal stock, 34	34
Specific powers of president and		Scheme of lottery to be submitted	
managers, 27	27	to the Governor, 34	34
Payments of subscriptions, when to		Security to be given by managers, 34	34
be made, 27	27	Commissioners, when to be ap-	
Notice thereof to be published, 27	27	pointed to draw the lottery, 34	34
Penalty for neglect to pay when due, 27	27	Duty and compensation of commis-	
When stock to be forfeited for non-		sioners, 35	35
payment, 27	27	Time limited for demanding prizes, 35	35
Proceedings to clear the Lehigh		Time limited for commencing and	
river and when navigation thereof		completing the works, 35	35
to be declared free, 28	28		
When and how company entitled to		LEHIGH RIVER. See Bridges.	
take toll, 28	28	LEHIGH RIVER.	
		See Lehigh Navigation Company.	

LEWISBURG.

Certain trustees empowered to sell a lot in, and purchase an adjoining lot with the proceeds, for a burying ground for the Presbyterian congregation of Buffalo township, 6

LEVIES. See Taxation.

LIBRARY. See Colleges and Schools.

LICENSES. See Philadelphia, Port of.

Who only may be licensed as hawkers, and peddlers, 211

Penalty for hawking without a license or refusing to show or lending or borrowing the same, 212

Not allowed to sell foreign goods, etc., 212

Part of former act repealed, 212

LIENS.

Lien of judgment already on record limited to five years from the passing of the act, 133

Lien of judgment thereafter entered limited to five years from the first return day, 134

Lien of judgment to be confined to lands in the county where the judgment was rendered, 206

Testatum execution to be a lien on lands only from the time of the delivery thereof to the sheriff, .. 206

Balance due by delinquent tax collectors not to be a lien on their property for more than two years, 384

LIMITATIONS.

Time limited for commencing and completing works of Lehigh Navigation Company, 85

Time within which actions must be brought to recover penalty for exacting greater tolls than those prescribed by act for crossing bridges over Schuylkill river, 44

Lien of judgments already on record limited to five years from the passing of the act, 133

Lien of judgments thereafter entered limited to five years from the first return day, 134

Suits against sureties on bonds of public officials to be brought within seven years from date when right of action accrued, 134

Page.

LIMITATIONS—Continued.

Page.

Limitation for bringing actions and proceedings under health law, .. 372

Time extended for completing bridge over Schuylkill at or near Philadelphia, 397

Repeal of the limitation act so far as it affects the seventeen townships in Luzerne county and titles under the Susquehanna Company or the State of Connecticut, 453

Limitation act suspended for three years in certain cases, 463

Act to be read in open court by prothonotaries, 469

Limitation within which suits may be brought under the acts regulating the turnpike road between Lancaster and the Susquehanna river near Wright's Ferry, 577

LITTLE CONIATE CREEK.

See Waters and Watercourses.

LITTLE FISHING CREEK.

See Waters and Water Courses.

LITTLE JUNIATA RIVER.

See Bridges.

LITTLE SCHUYLKILL RIVER.

See Waters and Water Courses.

LOANS.

Bank of Pennsylvania empowered to make a loan to the United States, 160

Proceedings in relation thereto, 160

Governor empowered to borrow a sum of money on the credit of the revenue arising from vendues, to repay advances by cities during epidemic, 197

Application of the money borrowed, 197

Governor empowered to obtain a loan from the Bank of Pennsylvania, 348

Terms and conditions of interest and reimbursement, 348

Governor authorized to negotiate a loan if found to be necessary, 562

Interest not to exceed six per. cent. per annum, 562

LOCKS. See Waters and Water Courses.

	Page.		Page.
LOST PAPERS. See Certificates; Lands.		LOTTERIES—Continued.	
Court of Common Pleas empowered to authorize execution of deed by administrator because agreement of sale was lost after death of grantor and making improvements with part payment of purchase money,	312	Prizes, when to be paid,	50
LOTTERIES.		Qualification and duties of commissioners,	51
President and managers of Lehigh Navigation Company authorized to raise money by lottery to carry on improvements,	34	Accounts to be settled,	51
Scheme of lottery to be submitted to the Governor,	34	Limitation of time for demanding prizes,	51
Security to be given by managers,	34	Commissioners appointed to draw a lottery to raise money for completing bridge over Big Swatara creek, at Jonestown, Dauphin county,	52
Commissioners, when to be appointed to draw the lottery,	34	Duties and bonds of the commissioners	52
Duty and compensation of commissioners,	35	List of prizes to be published,	52
Time limited for demanding prizes,	35	Time limited for demanding prizes,	52
Commissioners appointed to draw a lottery for school house in New Hanover township, Montgomery county,	47	Powers and duties of the commissioners appointed to draw a lottery for erecting a bridge over the Schuylkill river at Reading dissolved,	90
Commissioners appointed to draw lottery for erecting a church for the Presbyterian church of Harrisburg, Dauphin county,	48	Provision for settling their accounts,	91
Scheme of such lotteries to be submitted to the Governor,	48	Payment to be made of amounts found due, expenses and compensation of commissioners, and auditors,	91
Prizes, when to be paid,	48	Former acts repealed,	91
Qualification and duties of commissioners,	48	Sum to be raised by lottery for completing the bridge over the Delaware river at Easton,	109
Expenses, how to be paid,	48	Sum to be raised not to form part of the capital stock of the company authorized to erect the bridge,	109
Accounts, how to be settled,	49	Scheme of the lottery to be submitted to and approved by the Governor,	109
Time limited for demanding prizes,	49	How and when commissioners of the lottery are to be appointed,	110
Commissioners appointed to draw a lottery to raise money for completing Lower Dublin Academy,	49	Duties of the commissioners,	110
Commissioners appointed to draw a lottery to raise money for finishing the German Episcopal church in Green Castle, Franklin county,	50	Time limited for demanding prizes,	110
Commissioners appointed to draw a lottery to raise money for erecting piers, wharves, etc., for securing the banks of the Allegheny and Monongahela rivers within Pittsburgh,	50	Commissioners appointed to draw a lottery to raise money for completing the Presbyterian meeting house in Mifflintown,	161
Schemes of said lotteries to be submitted to the Governor,	50	Scheme of lottery to be laid before the Governor,	162
		Prizes, when payable,	162
		Qualification and duties of the commissioners,	162
		Accounts, how to be adjusted,	162
		Time limited for demanding prizes,	162

LOTTERIES—Continued.

Page.

Commissioners appointed to raise a fund by way of lottery to complete the building of St. Augustin's Roman Catholic church in Philadelphia,	242
Oath to be taken by commissioners,	242
Expenses of lottery to be paid out of proceeds,	242
Accounts, how to be settled,	242
Scheme of the lottery, and bonds of commissioners to be approved by the Governor,	243
Prizes not demanded within twelve months to be forfeited for the benefit of the lottery,	243
Authorized to build German Reformed church in Lebanon borough and Heidelberg, Dauphin county,	401
Lottery commissioners named for Lebanon borough,	401
Separate lotteries for two churches may be joined,	402
Scheme of lottery to be submitted to Governor and bond given,	402
Commissioners of lottery to take oath of office,	402
Lottery drawings to be published,	402
Prizes to be paid within six months,	402
Prizes not claimed relinquished to churches,	402
Additional commissioners appointed for the lottery of St. Augustin's Roman Catholic church in Philadelphia,	471
Commissioners appointed to conduct a lottery for raising a sum to complete the German Calvinist church in Holland, Lancaster county, ..	496
Scheme of the lottery to be approved by the Governor,	496
Qualifications of commissioners, ..	496
Publication of winners and payment of prizes,	496
Prizes not claimed within twelve months to be forfeited for benefit of church,	497
Commissioners of lottery for raising money for erecting piers for securing the banks of the Allegheny and Monongahela rivers directed to return moneys paid for tickets, ..	517

LOTTERIES—Continued.

Page.

How such money to be recovered upon refusal of commissioners to pay the same,	517
Part of act authorizing such lottery repealed,	517
LOTS. See Lands (Public).	
LOWER DUBLIN ACADEMY. See Colleges and Schools.	
LUNATICS. Committee of Jacob Palmer, a lunatic, empowered to sell his estate, and to use the proceeds thereof for his support,	420
Security first to be entered,	420
Committee of James Black, a lunatic, authorized to sell sufficient of his real estate to pay his debts, ..	563
Before making sale committee to give security for the proper application of the proceeds,	563
LUTHERAN CHURCHES. See Churches.	
LUZERNE COUNTY. Separate election district erected in,	117
Place fixed for holding elections therein,	117
Commissioners appointed to ascertain the quality, quantity and location of lands in the seventeen townships in, held by Pennsylvania claimants before the decree of Trenton,	245
New election district erected in, ..	315
Place of holding elections therein fixed,	315
Repeal of the limitation act so far as it affects the seventeen townships in,	453
Huntington, Brantum and Rindaw election districts in, erected,	495
Places of holding general elections therein fixed,	495
Boundaries of Rindaw district,	495
Governor to appoint commissioners to run the lines of Lycoming county where bounded by, and Northumberland county,	559
Duplicate plots to be made and filed in the respective counties,	559

	Page.
LUZERNE COUNTY—Continued.	
Expenses, how to be paid,	559
Together with Northampton and Wayne counties to comprise a district and elect one senator,	585
To elect two representatives,	585
LYCOMING COUNTY.	
Governor authorized to receive proposals for opening a road from Newbury to the one hundred and nine mile stone on the New York boundary line,	267
Expenses in the first instance to be defrayed by subscription from the citizens of, or others,	268
When completed and surveyed a grant to be made to reimburse the subscribers,	268
Centre county formed of, part of, ..	403
To collect arrearages of taxes previously assessed in newly formed Centre county,	405
Parts of, and Allegheny county erected into Warren county,	457
Parts of, and Allegheny county erected into Venango county,	458
Parts of, and Allegheny and Westmoreland counties erected into Armstrong county,	459
Continuance of process in, notwithstanding passage of act,	461
When courts of Quarter Sessions are to be held in,	481
Commissioners to be appointed to run part of the boundary line between, and Centre county,	503
Courses of line fixed,	503
Duplicate plots of such line to be made and one deposited in the recorder's office of each county, ..	503
Expenses, how to be defrayed,	503
Governor to appoint commissioners to run the lines of, where bounded by Northumberland and Luzerne counties,	559
Duplicate plots to be made and filed in the respective counties,	559
Expenses, how to be paid,	559
First election district of, enlarged, ..	573
Place fixed for holding elections therein,	573
Place fixed for holding elections in the second district,	573

	Page.
LYCOMING COUNTY—Continued.	
Fourth election district enlarged, ..	573
Place fixed for holding elections therein,	573
Together with Mifflin and Centre counties to compose a district and elect one senator,	583
To elect one representative,	585
MAGISTRATES.	
See Alderman of Philadelphia. Alderman's Court of Philadelphia; Justices of the Peace.	
MARINE HOSPITAL.	
See Health Laws.	
MARKETS.	
Market house may be erected under certain restrictions in Greensburg borough,	157
Two to be held each week in the borough of Lebanon,	233
Clerk of the market to be appointed, ..	233
His duties,	233
Act regulating the markets in Philadelphia repealed,	574
MARKET HOUSES.	
See Markets.	
MARRIAGE AND DIVORCE.	
Marriage of Alexander de Tilly and Maria Matilda de Tilly declared null and void,	390
MARSH AND MEADOW LANDS.	
Manager and treasurer of the Bristol Island Meadows, how to be chosen,	53
Surveyors, how to be chosen,	54
Map of survey to be recorded,	54
Duties of managers,	54
Repairs, how to be paid for,	54
Managers to inspect and repair banks, etc., quarterly,	54
Assessments for repairs, how to be made,	55
Election of managers and treasurer, ..	55
Penalty for refusing to serve as manager,	56
Vacancy in the office of treasurer how to be supplied,	56
Treasurer to enter security for faithful performance of duties,	56
List of persons liable to assessments, how to be made and proceedings thereon,	57

	Page.		Page.
MARSH AND MEADOW LANDS—Continued.		MARYLAND, STATE OF.	
Proceedings in case of neglect or refusal to pay assessments,	57	Act not effective until similar act is passed by legislature of,	339
Suits not to abate because of death of the treasurer,	58	Commissioners appointed to open subscriptions to the stock of the Chesapeake and Delaware Canal Company in conjunction with commissioners appointed by the State of Delaware, and,	549
Remedy for persons aggrieved by order, etc., of managers,	58	Susquehanna river down to the line of, declared a public highway, from which the obstructions may be removed,	553
Penalty for injuring banks and other works,	59		
Power to make by-laws,	59	MASTER AND SERVANT.	
Managers and treasurer of Ridley Meadow Company to be chosen,	411	See Apprentices; Slaves.	
No tenant entitled to elect or be elected who rents less than four acres,	411	MAYOR.	
Penalty for refusing to act as manager, and proceedings thereon, ..	411	Vacancies in office of, in Philadelphia, how to be supplied,	346
Penalty for refusing to serve as treasurer, and proceedings thereon,	411	Of Philadelphia empowered to take acknowledgments of deeds for real estate in any part of the Commonwealth,	347
Manner of filling vacancies,	411		
Treasurer to give bond with surety,	413	M'CAMMON, SAMUEL.	
Conditions of bond,	413	See Acts of Assembly (Private).	
Manner of maintaining and supporting the banks, dams, sluices, and flood gates,	414	MCDOWELL, ALEXANDER.	
Powers and managers,	415-416	See Acts of Assembly (Private).	
Penalty for owners or occupiers neglecting or refusing, after notice, to mow weeds from banks, etc., and recovery thereof,	416	MEADOW LANDS.	
Dimensions of ditches and drains,	416	See Marsh and Meadow Lands.	
Strays, disposition of,	416	MEADVILLE.	
How managers to repair,	417	Courts of Crawford county to be held at, provided the inhabitants thereof subscribe four thousand dollars within four months for the use of a seminary within the county,	456
Dimensions of certain drains,	417		
Penalty for owners or occupiers neglecting or refusing, after notice, to make repair or scour their drains,	417	MEASON, ISAAC.	
Disputes with managers to be settled by arbitration,	418	See Acts of Assembly (Private).	
Orders of managers to be paid by treasurer,	418	MEETING HOUSES.	
Penalty for injuring the banks, dams, and sluices or flood gates, or letting into the meadows any creek or water,	418	See Churches.	
Enforcement of assessments made by managers,	419	MERCER COUNTY.	
Compensation of managers,	419	Part of Allegheny County erected into,	455
Parts of former laws repealed,	419	Boundaries of,	455
		Place of holding courts to be fixed by the Legislature,	455
		Governor to appoint commissioners to run boundary lines,	455
		Compensation of commissioners, ..	455
		Commissioners appointed to run boundary lines of, to do so within a certain time,	460

	Page.
MERCER COUNTY—Continued.	
Return of taxable inhabitants in, 460	
Crawford, Venango, Warren, Erie and, to form one county called Crawford County, and to have all county privileges,	460
Apportionment of representation in the Legislature and of senators and representatives in Congress for,	461
Part of, with part of Beaver county, to form a separate election district, and place of holding elections therein fixed,	461
Separate election district erected in, 461	
Place of holding elections therein fixed,	461
When entitled to be represented separately, hold courts and elect officers,	463
Trustee appointed,	463
Their powers and duties,	463
Commissioners of Crawford County authorized to assess county rates and levies for,	465
Accounts, how to be kept and monies applied,	465
Together with Crawford, Erie, Venango and Warren counties to compose a district and elect one senator,	583
Together with Crawford, Erie, Venango and Warren to elect one representative,	585
Seventh and eighth election districts of, erected,	587
Places of holding elections therein fixed,	587
Place of holding elections in a certain district of, changed,	587
MIFFLIN, MAJOR GENERAL THOMAS.	
See Acts of Assembly (Private).	
MIFFLIN COUNTY.	
David Boal appointed an additional trustee in place of John Stewart, deceased,	14
Place of holding elections in Derry and Armagh townships changed, 117	
Place fixed for holding elections in Feranagh and Milford townships,	261

	Page.
MIFFLIN COUNTY—Continued.	
Centre county formed of part of, ..	408
To collect arrearages of taxes previously assessed in newly formed Centre county,	406
Commissioners appointed to lay out and improve a road from David Beale's in, to George M'Mullin's in Cumberland County,	487
Governor authorized to draw for money for improving the road from David Beale's in, to George M'Mullin's in Sherman's Valley, Cumberland County,	513
Fund out of which payment is to be made,	513
Places fixed for holding elections in Lack and Union townships, .	567.
Together with Lycoming and Centre counties to compose a district and elect one senator,	583
To elect two representatives,	585
MIFFLIN TOWN PRESBYTERIAN CHURCH.	
See Churches.	
MILE STONES.	
See Highways.	
MILITIA.	
See Military Law.	
MILITARY LAW.	
See Pensions.	
How military fines to be collected in Wayne County,	65
Accounts of brigade inspectors, how to be settled,	110
Returns of settlements to be made to the state treasurer,	111
Compensation and expenses of auditors,	112
How same to be paid,	112
Appropriation for paying a corps of militia on service in 1794 in Westmoreland County,	274
Who shall be enrolled in the militia and by whom,	274
Notice of enrollment,	276
Age and residence when doubted, how to be proved,	276
List to be made of persons not enrolled,	276

	Page.
MILITARY LAW—Continued.	
Enrollments to be delivered annually to the brigade inspector, ..	276
Penalty for failure,	276
Brigade inspector to transmit lists of exempts to county commissioner,	276
Proceedings by the commissioners thereon,	276
Duties of county treasurers as to fines collected from exempts, ..	276
Minors enrolled not required to exercise except in case of war, etc.,	276
Exempts must serve in case of war, etc.,	276
Who are exempt from militia duty,	278
Subdivisions of militia,	278
Existing volunteer corps to continue as before,	278
State divided into divisions, and boundaries thereof,	279
Colors of specified dimensions and design to be provided by the state to regiments,	280
Models thereof to be procured and preserved,	280
Uniform of militia prescribed,	280
Arms and accoutrements prescribed,	281
Officers of militia,	281
Which officers to be appointed by the Governor,	282
Aides-de-camp of majors-general, brigade-majors and regimental staffs, how to be appointed or elected,	282
None but citizens to hold a commission,	282
Duration of commissions and rank of officers,	282
When offices shall be vacated,	282
Duties and compensation of the adjutant-general,	282
Brigade inspectors, appointment and duties of,	283
Penalty for not performing a tour of duty,	283
Appeals from decisions under act, how to be heard and decided,	283
List of delinquents to be delivered to the proper officers,	283

	Page.
MILITARY LAW—Continued.	
Salaries of brigade inspectors and allowances for contingencies,	283
Bonds and accounts of brigade inspectors,	283
Times and method of holding elections of majors, captains, lieutenants and ensigns,	286
Judges of the election to be chosen,	286
Returns of elections,	286
Vacancies, how to be supplied,	286
Proceedings in case of neglect to elect officers,	286
No changes in divisions, brigades or regiments until present commissions expire,	286
Designation of regiments by numbers,	288
Proceedings on the removal of any militiaman from one district to another,	291
How and when militia to be trained and exercised,	292
Penalties for absence on days of exercise,	292
Persons summoned as witnesses or jurors excused,	292
When and by whom muster roll to be called and absentees returned,	293
Penalty for failure to make such return,	293
Officers to be appointed to hear appeals,	293
Proceedings on appeals,	293
Fines, how to be recovered and returned,	293
Application of fines,	293
Paymaster's accounts, when and how to be settled,	293
How militia to be called out on any exigency,	295
How militia to be officered when called into service by classes, ...	295
When pay and rations of militia to begin and end,	295
How detachment called into service to be mustered,	296
Substitutes allowed,	297
Pay and rations of militia,	297
Penalty for failure to perform a tour of duty,	297

MILITARY LAW—Continued.		Page.
Rules and regulations for governing militia,	298	
Penalty for behaving in an un-officer-like manner,	298	
Penalty for misbehavior of non-commissioned officers or private, or having arms out of order, ...	298	
Penalties for different officers neglecting to give or obey orders, .	298	
Penalty for captains or commanding officers neglecting to make out and transmit list of persons drafted,	299	
Penalty for desertion,	299	
Constitution of general courts martial,	299	
Constitution of regimental courts martial,	299	
Two-thirds of any court martial must agree or accused acquitted, ..	299	
Oaths of witnesses and members, ..	299	
Penalty for nonattendance as a witness,	300	
Accused to be suspended until trial,	300	
Appeal from decision of regimental commander,	300	
Appeal from decision of any other officer,	300	
Punishments which may be inflicted by courts martial limited to degrading, cashiering or fining, ...	300	
Who may pardon or mitigate sentences,	300	
Boards of inquiry, when and how to be constituted,	301	
Time militia may be kept under arms while training limited,	301	
Fines, how to be paid and collected,	301	
Federal rules of discipline adopted and to be enforced,	301	
Militia in service of the United States to be subject to the same rules as the federal army,	302	
Offences against the federal rules to be tried by courts martial of the state militia, and penalties therefor may be suspended, mitigated or pardoned by the governor or commanding officer,	302	

MILITARY LAW—Continued.		Page.
Civil process not to be served on militia men while training or while going to or returning from place of training,	302	
Recovery of fines not before specified, how to be made, and accounted for,	302	
Fines to be applied to a fund for militia uses,	303	
Horses of light horsemen, how to be appraised and compensated for if lost in service,	303	
Relief of widows and children of militiamen killed in service, and of wounded and disabled militiamen,	303	
Penalty for buying or selling arms, etc., of militia,	304	
Suits growing out of anything done in pursuance of act to be brought in county where action arose,	304	
General issue may be pleaded and the act and special matter given in evidence,	304	
Proceedings in such suits,	304	
Arms, how to be distributed, marked stored, and given out for service,	304	
Expense of marking and numbering arms, how to be paid,	305	
Minors enlisting as drummers, fifers, trumpeters or buglers to be instructed,	306	
Compensation of instructors,	306	
Such minors to be furnished free with a suit of regimentals and their fathers exempt from duty,	306	
Additional days for officers to practice,	307	
Volunteers may fix their own days of training in addition to those prescribed by law,	307	
Notices and penalties in such cases,	307	
Accounts of companies,	307	
Act to be printed together with federal regulations, etc., and distributed,	308	
Former acts repealed,	308	
Act not to be construed as reviving any laws repealed by such former acts, or preventing the recovery of fines incurred thereunder,	308	

	Page.		Page.
MILITARY LAW—Continued.		MONTGOMERY TOWNSHIP.	
Act empowering the Governor to procure arms for the militia suspended,	348	Part of Bedford County annexed to Franklin County to be considered part of,	92
Proceedings to compel a report from the Prothonotaries and Auditors, and a settlement of the accounts of the Brigade Inspectors,	349	Place of holding elections therein fixed,	92
Provisions for calling out militia to enforce act supplementary to "An Act to prevent intrusions on lands within the counties of Northampton, Northumberland and Luzerne,"	515	MONTOUR ISLAND.	
MILL DAMS.		See Lands (Public); Acts of Assembly (Private).	
See Dams, Waters and Water Courses.		MORROW, ABRAHAM.	
MILNE, EDMUND.		See Acts of Assembly (Private).	
See Acts of Assembly (Private).		MOUNT BETHEL PRESBYTERIAN CONGREGATION.	
MINISTERS.		See Churches.	
To be exempt from taxation,	379	MOYAMENSING, TOWNSHIP OF.	
MINORS.		Repeal of part of a former act, which regulates the size of wheels of wagons and carts, owned by inhabitants of the, and used in the city of Philadelphia,	255
See Infants.		MULES.	
MONEY.		See Animals.	
See Banks and Banking.		MUNICIPAL CORPORATIONS.	
MISNOMER.		See Corporations, Common Councils, Mayor, Ordinances, Select Councils, Greensburg, Borough of.	
See Name.		MUNICIPAL ORDINANCES.	
MONEYS PUBLIC.		See Ordinances.	
See Accounts (Public); Sinking Fund.		NAME.	
MONONGAHELA RIVER.		See Churches.	
See Waters and Water Courses.		NATURALIZATION.	
MONTGOMERY COUNTY.		See Citizenship.	
All Suits and process in the Courts of Quarter Sessions and Common Pleas revived, when term of court was omitted,	198	NAVIGATION.	
Commissioners of, empowered to borrow money to complete Perkiomen bridge, pledging the tolls collected for crossing the same for the repayment thereof,	218	See Lehigh Navigation Company.	
Fifth and sixth election districts erected in,	262	Waters and Water Courses.	
Places fixed for holding elections therein,	262	Bridge over Schuylkill River not to obstruct navigation for boats, etc., without masts,	42
To compose a district and elect one senator,	523	Penalty for obstructing navigation on the rivers Codorus and Conewago,	532
To elect four representatives,	585	NESHANOCK CREEK.	
		See Waters and Water Courses.	
		NEWBURY, LYCOMING COUNTY.	
		See Lycoming County; Highways.	

	Page.		Page.
NEW HANOVER TOWNSHIP, MONTGOMERY COUNTY.		NORTHAMPTON COUNTY—Continued.	
See Colleges and Schools.		Place fixed for holding elections therein,	263
NEW HOLLAND GERMAN CALVINIST CHURCHES.		Eighth election district of, erected,	315
See Churches.		Place of holding elections therein fixed,	315
NEW JERSEY.		Together with Wayne and Luzerne counties to compose a district and and elect one senator,	583
Act incorporating company for erecting bridge over the Delaware river near Trenton not to be effective until similar act is passed by,	147	Together with Wayne county to elect four representatives,	585
NEWSPAPERS.		NORTHERN LIBERTIES.	
See Notice.		See Philadelphia, City of.	
NEWTOWN, BUCKS COUNTY.		How constables shall be appointed in, the Northern Liberties,	11
See Colleges and Schools.		Proceedings in case of vacancy, ..	12
NEW YORK, STATE OF.		Constables to be bound by recognition for the faithful performance of their duties,	12
Governor authorized to receive proposals for opening a road from Newbury, Lycoming county to the one hundred and nine mile stone on the boundary of,	267	Penalty on constable purchasing at sale of goods taken in execution,	12
Jonathan Bayard Smith, Peter Wilkoff, and others whose lands fall in, to be idemnified,	548	Part of a former act repealed,	13
Provisions to reimburse persons whose lots fell within,	560	Repeal of part of a former act, which regulates the size of wheels of wagons and carts, owned by inhabitants of the, and used in the city of Philadelphia,	255
NIGHTLY WATCH.		NORTHERN LIBERTIES, TOWNSHIP OF.	
Tax to be laid in the Northern Liberties in accordance with an act to establish a, etc.,	452	Number of election inspectors to be chosen in,	440
NISI PRIUS COURTS OF.		NORTHUMBERLAND COUNTY.	
See Courts.		Fourth, ninth, eleventh, twelfth and thirteenth election districts of, erected,	116
NORTHAMPTON COUNTY.		Places fixed for holding elections therein	116
Part of erected into Wayne County, ..	64	Fourteenth election district erected in,	363
Suits commenced in, not to be affected,	65	Place fixed for holding elections therein,	263
Officers of, to act in Wayne County until new officers are appointed, ..	66	Centre County formed of part of, ..	403
Governor to appoint commissioners to run boundary between, and Wayne County,	66	To collect arrearages of taxes previously assessed in newly formed	
Compensation of such commissioners,	66	Act to regulate fences, and to appoint appraisers in certain counties, and to encourage the raising of swine, repealed so far as it affects,	437
Provision in case the dividing line between Wayne and Northampton Counties divides a township,	68		
Seventh election district erected in, ..	263		

Page.

NORTHUMBERLAND COUNTY—Continued.

When courts of quarter sessions are to be held in,	481
New Berlin election district of, erected,	502
Boundaries thereof,	502
Place of holding elections therein fixed,	502
Shamokin election district of erected,	503
Place of holding elections therein fixed,	503
Fishing Creek election district of, erected,	503
Place of holding elections therein fixed,	503
Place of holding elections in Bloom and Brier Creek townships in, changed,	503
Part of seventh election district of, annexed to Washington district, .	503
Governor to appoint commissioners to run the lines of Lycoming county where bounded by, and Luzerne county,	559
Duplicate plots to be made and filed in the respective counties,	559
Expenses, how to be paid,	559
To compose a district and elect one representative,	585
To elect four representatives,	585

NOTARIES PUBLIC.

Governor authorized to appoint two additional, in Philadelphia county, one to reside in Southwark and the other in the Northern Liberties,	113
--------------------------------------------------------------------------------------------------------------------------------------------------	-----

NOTICE.

See Lotteries.

Of times and places of holding Circuit Courts in the several counties, excepting Philadelphia County, to be published in two Philadelphia newspapers,	200
-------------------------------------------------------------------------------------------------------------------------------------------------------------	-----

NUISANCES.

Power of burgesses to abate, in Frankford Borough,	443
----------------------------------------------------------	-----

Page.

OATHS.

Form of, of inspectors, judges and clerks of general elections,	167
Oath to be taken by commissioners appointed to raise a fund by way of lottery to complete the building of St. Augustin's Roman Catholic Church in Philadelphia,	242

OFFICERS (PRIVATE CORPORATIONS).

See Corporations.

OFFICERS (RELIGIOUS CORPORATIONS)

See Churches.

OFFICERS (PUBLIC).

See Attorney General; Appraisers; Assessors; Assistant Assessors; Auctions and Auctioneers; Auditors; Board of Health; Board of Inspectors; Board of Property; Board of Wardens; Controller-General; Commissioners; County Treasurers; Governor; Inspectors; Land Office; Overseers of the Poor; Receiver General; Register General; Secretary of the Commonwealth; Supervisors of Roads; Surveyor General; Trustees.	
Suits against sureties on bonds of, to be brought within seven years from date when right of action accrued,	134
County officers heretofore elected to continue until the expiration of their respective terms,	375
Election and term of office of county commissioners,	376
Vacancies in office of county commissioners, how to be supplied,	376
Qualification of county commissioners,	376
Certificate thereof to be filed in Prothonotary's office,	376
Election of assessors and their assistants, and how return thereof shall be made and filed,	377
Penalty on assessors or their assistants refusing or neglecting their duties,	377
No person obliged to serve more than once in ten years,	377

	Page.
OFFICES (PUBLIC)—Continued.	
Vacancies, how to be filed,	377
Qualification of assessors and assistants,	378
Certificate thereof to be filed,	378
Proceedings at annual meeting of county commissioners,	378
Duty of assessors on receiving the precept of the commissioners in making return of taxable inhabitants and property,	379
County commissioners to transmit from time to time transcript of triennial assessment to the assessors, with precept to return any changes,	379
Commissioners to regulate assessments after appeals,	380
Tax collectors, how to be returned and appointed,	380
Penalty on their neglect or refusal to act,	380
After serving or paying fine no person obliged to serve again within ten years,	380
Clerk of board of commissioners to be appointed,	381
His duties and compensation,	381
Appointment of county treasurer, ..	382
Bond of treasurers,	382
Vacancies, how to be filled,	382
Who may not be appointed treasurers,	382
Duties of treasurers and their compensation,	382
Two members to constitute quorum of commissioners,	383
Compensation of commissioners, assessors, assistant assessors and collectors,	386
Penalty on commissioners, treasurers, assessors, assistant assessors and collectors neglecting or refusing their duty,	387
County commissioners to have and use a common seal,	389
Copy of their proceedings executed under seal to be good evidence, ..	389
County commissioners to annually publish a report of their proceedings,	389

	Page.
OFFICERS (PUBLIC)—Continued.	
Officers of York County to continue to act in Adams County until similar officers are appointed therefor,	393
Officers of Adams County to enter security,	393
Commissioners of Adams county authorized to erect public buildings in Gettysburg,	393
And empowered to defray cost thereof by levying and assessing not over three thousand dollars,	393
Trustees appointed for Adams County,	395
Trustees of Centre County to render accounts to county commissioners and auditors,	405
Elected or appointed in newly formed Centre county to give bonds, etc.,	405
Trustees of Centre County named, ..	405
Powers delegated to them,	405
Time fixed for register general and state treasurer to submit their accounts to the Legislature,	431
Part of former law repealed,	431
Powers of comptroller-general and register-general in proceedings to collect arrearages of state taxes and settle accounts of county treasurers,	519
Controller-General and register-general to be allowed their expenses in such proceedings,	520
Powers of comptroller-general and register-general to settle accounts and collect money due the state, .	522
In case of the death of the debtor, their powers to proceed against his representatives,	522
Secretary of the Commonwealth to furnish comptroller-and register generals with copies of contracts between the state and individuals or companies,	523
Copies of all contracts not complied with to be sent to attorney-general, who is to proceed to recover moneys advanced thereon,	528

	Page.		Page.
OFFICERS (PUBLIC)—Continued.		PARTITION.	
Treasurer of the Commonwealth to obtain the transfer of certain stock and certificates together with the interest paid thereon, from the representatives of David Rittenhouse, deceased,	578	Original jurisdiction of the Supreme Court on writs of partition extended over the whole state, . . .	340
And thereupon the treasurer to execute a bond of indemnity to the heirs, etc., of David Rittenhouse, deceased,	578	Power of sheriff to whom the writ is directed when lands lie in different counties,	340
OHIO RIVER.		If an estate cannot be divided without prejudice to or sopping the whole, the inquest shall make return of the value thereof,	341
See Waters and Water Courses.		If the court approves the return, they may adjudge the whole to one of the parties on securing to the others their respective shares, . . .	341
OIL CREEK.		Premises thereupon to be conveyed to such party subject to a lien in favor of the others,	341
See Waters and Watercourses.		If none of the parties will take the land at the valuation, the court may order sale thereof,	341
ORDINANCES.		Proceedings therein,	341
Of Greensburg Borough not to be repugnant to laws and constitution of commonwealth,	156	Proceeds to be distributed among the parties,	341
Of the City of Philadelphia and District of Southwark to be enrolled in the office for recording deeds in Philadelphia County,	432	Who may petition for sale and partition of unseated or unimproved lands,	342
Recording fees,	432	Proceedings under such petition, . . .	342
ORPHAN'S COURTS.		All deeds under this act to be acknowledged in open court and recorded within six months,	342
See Courts.		PARTY WALLS.	
OXEN.		Regulation of, in Frankford Borough,	444
See Animals.		PASSYUNK, TOWNSHIP OF.	
OVERSEERS OF THE POOR.		Repeal of part of a former act, which regulates the size of wheels of wagons and carts, owned by inhabitants of the, and used in the city of Philadelphia,	255
See Poor Laws.		PATENTS.	
Moneys remaining in the hands of the overseers of the poor of the townships in Lancaster and Chester counties to be applied to repairing the roads therein,	21	See Lands (Public).	
When the office of, within the counties of Lancaster and Chester to be abolished,	21	Act extending time for patenting lands continued,	94
Powers of, of Frankford Borough, . .	445	Time for patenting lands extended, . .	473
OUT LOTS.		Governor authorized to issue a patent to Isaac Van Horne for certain donation lands in place of the lost original,	506
See Lands (Public).			
OYER AND TERMINER, COURTS OF.			
See Courts.			
PALMER, JACOB.			
See Acts of Assembly (Private.)			
PAMPHLET LAWS.			
See Laws of Pennsylvania.			

	Page.		Page.
PAUPERS.		PHILADELPHIA AND LANCASTER	
See Lancaster County; Chester County; Poor Laws.		TURNPIKE.	
Exempt from paying tolls for crossing bridge over Youghiogheny River near Connellsville, Fayette County, 476	476	See Highways.	
PEARSON, JAMES.		PHILADELPHIA, CITY OF.	
See Acts of Assembly (Private.)		See also Philadelphia, County of.	
PEDDLERS.		Special elections in, and Blockley and Kingsessing to be held in City Hall while Legislature is in session, 198	198
Who only may be licensed as, 211	211	Account of sheriff of, for removing prisoners during an epidemic, to be adjusted and paid by county commissioners, 211	211
Penalty for peddling without a license, or refusing to show or lending or borrowing the same, 212	212	Repeal of part of a former act, which regulates the size of wheels of wagons and carts, owned and used by inhabitants in the, 255	255
Part of former act repealed, 212	212	Courts may be removed to any part of Philadelphia County should the city be afflicted with a contagious disease, 311	311
Not allowed to sell foreign goods, etc., 212	212	Provision for removing prisoners in such case, 311	311
PENAL LAWS.		Criminal prisoners only to be removed on application of a majority of inspectors, 311	311
See Criminal Laws.		Governor empowered to appoint an auctioneer for selling horses, cattle and carriages in, 313	313
PENALTIES.		No freeman of, to be disqualified as a witness to prove a breach of an ordinance because the penalty is appropriated to the use of the corporation, 348	348
See Fines and Penalties.		Persons receiving any benefit from funds to which such penalties are appropriated barred from testifying, 348	348
PENN'S VALLEY MOUNTAINS.		Freemen of, competent as jurymen in prosecutions for breach of ordinances, etc., notwithstanding their interest as members of the corporation, 345	345
See Highways.		Officers of the corporation, by whom to be appointed, 345	345
PENNSYLVANIA CLAIMANTS.		Powers of Select and Common Councils, 346	346
See Lands (Public).		Vacancies in office of Mayor or member of Select Council, how to be supplied, 346	346
Certificates to, to be signed by Register-General and to be invalid without his signature, 473	473		
How such certificate to be canceled, filed and finally disposed of, 474	474		
Time for receiving applications from, extended, 474	474		
PENSIONS.			
Grant to John Glen, a disabled soldier, 93	93		
Relief provided for widows and children of militiamen killed in service, and for wounded and disabled militiamen, 303	303		
Governor authorized to pay certain sum to John Renison, formerly an ensign in the revolutionary war, now blind and disabled, 571	571		
PERJURY.			
See Criminal Law.			

	Page.
PHILADELPHIA CITY OF—Continued.	
Present officers to continue until first of January next notwithstanding any irregularity in their appointment,	346
Mayor and recorder empowered to take acknowledgments of deeds for real estate in any part of the Commonwealth,	346
Fee therefor,	347
Divided into fourteen wards,	421
Boundaries of Upper Delaware Ward, 421	
Boundaries of Lower Delaware Ward,	421
Boundaries of High Street Ward, .	421
Boundaries of Chestnut Ward, ...	421
Boundaries of Walnut Ward,	421
Boundaries of Dock Ward,	421
Boundaries of New Market Ward, .	421
Boundaries of North Mulberry Ward,	421
Boundaries of South Mulberry Ward,	421
Boundaries of North Ward,	421
Boundaries of Middle Ward,	421
Boundaries of South Ward,	421
Boundaries of Locust Ward,	421
Boundaries of Cedar Ward,	421
Election of inspectors of general election,	423
Time of holding general elections, .	423
Election of assessors and constables for the several wards,	424
Present assessors and constables to continue to act until successors are elected,	424
Ordinance of, to be enrolled in the office of recording of deeds in the County of Philadelphia,	432
Recording fees,	432
A lot of ground escheated to Commonwealth and used as burial ground between Ninth and Tenth Streets on the South side Lombard Street vested in,	451
Tax to be laid in the Northern Liberties in accordance with an act to establish a nightly watch, provide lamps and support pumps, ..	452

	Page.
PHILADELPHIA CITY OF—Continued.	
Lot vested in the trustees of the Fourth Presbyterian Church, for a church and burying ground, .	480
Supreme Court may be held for certain purposes in any county if City is affected with a contagious fever,	481
House intended for use of the President of the United States and the lots adjoining thereto to be sold, 488	
Building restriction affecting lots fronting on Market and Chestnut Streets,	490
Appropriation for the removal of the seat of government from, to Lancaster,	491
Regulation and paving of the streets, lanes and alleys in the Northern Liberties,	540
Penalty for riding, leading or driving any horse on the paved foot ways,	541
Application of penalty,	541
Commissioners of Philadelphia county authorized to sell and convey a part of the public landing in the Northern Liberties,	548
Appropriation of the proceeds,	548
Act regulating the markets in, repealed,	574
Together with Philadelphia and Delaware counties to compose a district and elect four senators,	583
To elect five representatives,	585

PHILADELPHIA COUNTY.

See also Philadelphia, City of.	
Copies to be furnished the clerk of Quarter Sessions of the records of roads in Philadelphia County, ..	70
Such copies shall be deemed matters of record,	70
Governor authorized to appoint two additional notaries public in, one to reside in Southwark and the other in the Northern Liberties, .	113
Judges of Supreme Court shall be empowered to hold Courts of Nisi Prius in,	205

	Page.
PHILADELPHIA COUNTY—Continued.	
Place of holding elections in the third district changed,	266
Courts may be removed to any part of, should the city be afflicted with a contagious disease,	311
Provision for removing prisoners in such case,	311
Criminal prisoners only to be removed on application of a majority of inspectors,	311
Blockley and Kingsessing Townships in, erected into Schuylkill election district,	512
Place of holding general elections therein fixed,	512
Together with the city of Philadelphia and Delaware county to compose a district and elect four senators,	583
To elect six representatives,	585
PHILADELPHIA, PORT OF.	
See Health Laws.	
Act establishing a board of wardens for the, made perpetual excepting certain sections thereof,	273
Supplement to the act continued for a limited time,	273
Licenses to erect wharves or buildings beyond the low water mark in the Delaware river to be executed within six months or become void,	274
Penalty for obstructing the passage over wharves, and the obstruction to be removed,	274
Proviso as to the use of wharves for landing or temporarily storing goods, and as to buildings erected to the westward of low water mark,	274
Fees to be paid by pilots for licenses and to be applied to the support of the warden's office,	274
Lazaretto on State Island authorized to be sold and proceeds applied to building new lazaretto on State Island,	541

PHYSICIANS AND SURGEONS.

See Health Laws; Fees; Governor.

PIERS.

See Waters and Water Courses.

PILOTS.

See Society for the Relief of Distressed and Decayed Pilots, their Widows and Children,

Fees to be paid by pilots for licenses, 274

Compensation of, detained in quarantine,

Pilots bringing up vessels apparently healthy not to be quarantined, 374

But no such pilot to enter Philadelphia or suburbs until twenty days after the date of his certificate, . 374

Penalty for violation,

Pilots bringing in infected vessels may remain at lazaretto during quarantine of such vessels,

Pilots infected to be quarantined and subject to same penalties for escaping, etc., as passengers,

PINE CREEK.

See Highways and Water Courses; Waters.

PITTSBURG.

See Highways, Waters and Water Courses.

PITTSBURG ACADEMY.

See Colleges and Schools.

PLEADING.

See Practice and Procedure.

POLICE.

See Nightly Watch.

POOR.

See Lancaster County; Chester County.

POOR HOUSES.

See Lancaster County; Chester County.

POOR LAWS.

See also Paupers.

Directors of the Poor in Chester and Lancaster Counties empowered to sell lands, and apply the proceeds to maintain the poor and erect proper buildings, 159

	Page.		Page.
POOR LAWS—Continued.		PRACTICE AND PROCEDURE—Continued.	
Payments and compensation to be made in connection with the erection of poor houses in Chester and Lancaster Counties, provided said buildings are completed in two years,	159	Proceedings thereon,	203
PORT OF PHILADELPHIA.		Depositions of witnesses, how to be taken,	204
See Philadelphia, Port of.		Acknowledgments of sales of land on testatum executions, how to be made,	204
PORT WARDENS.		Actions transferred to Circuit Court to be proceeded in as if they had originated there,	205
See Philadelphia, Port of.		Mesne profits may be recovered in actions of ejectment under Connecticut State or Colony, or Connecticut, Susquehanna or Delaware company claims,	544
POUNDS.		Special bail in certain actions of trespass,	545
See Game Laws.		Pleadings in such actions,	545
POWERS.		Stay of execution on judgments in causes removed from justices,	570
See Executors and Administrators; Decedents' Estates.		PREACHERS.	
Certain, delegated to assessors and assistant assessors to be specially elected in Westmoreland County, .	399	See Ministers.	
PRACTICE AND PROCEDURE.		PRESBYTERIAN CHURCHES.	
See Bankruptcy; Actions Against the Commonwealth; Evidence; Partition.		See Churches.	
Power of Supreme and Common Pleas Courts to compel the production of books and papers,	5	PRESBYTERIAN CONGREGATION OF BUFFALO TOWNSHIP, NORTHUMBERLAND COUNTY.	
Proceedings on scire facias to revive a judgment and preserve its lien,	134	See Churches.	
Proceedings before Justices of the Peace, Aldermen and Aldermen's Court of Philadelphia in actions of trespass where the damages do not exceed \$20, and in actions for rent not exceeding \$53.33,	187	PRESIDENTIAL ELECTORS.	
All suits and process in the Quarter Sessions and Common Pleas courts of Montgomery County, revived, because term of court was omitted,	198	See Elections.	
What and how writs and process may be issued by Circuit Courts, and how returnable,	201	PRESIDENT'S HOUSE.	
Every day of said courts to be a return day for jurors and witnesses,	201	See Lands (Public); Philadelphia, City of,	
Proceedings in taking appeals from Circuit Court to Supreme Court,	203	PRINCIPAL AND SURETY.	
What process, etc., to be transmitted with the record on the return to a certiorari or habeas corpus,	203	See Suretyship.	
		PRISONS.	
		See Buildings (Public).	
		PRIZES (LOTTERY).	See Lotteries.
		PROCEDURE.	
		See practice and Procedure.	
		PROCESS.	
		See Practice and Procedure; Service of Process.	
		PRODUCE.	
		See Rye Flour; Indian Corn; Flour.	
		PRODUCTION OF BOOKS AND PAPERS.	
		See Corporations; Courts.	

	Page.		Page.
PROPERTY (PUBLIC).		RANKIN, WILLIAM.	
See Board of Property.		See Acts of Assembly (Private).	
Lazaretto on State Island authorized to be sold and proceeds applied to building new lazaretto on State Island,	541	RATES.	
PROTESTANT EPISCOPAL CHURCHES.		See Taxation.	
See Churches.		RATES AND LEVIES.	
PROTHONOTARIES.		See Taxation.	
Penalty on any prothonotary refusing or neglecting to perform duties under act governing general elections,	179	REAL ESTATE.	
Of Common Pleas to be clerks of Circuit Court of Oyer and Terminer,	203	See Lands.	
PUBLIC ACCOUNTS.		RECEIVER-GENERAL.	
See Accounts (Public).		See Land Office; (Officers Public).	
PUBLIC HIGHWAYS.		Appropriation to reimburse advances of, for clerk hire,	316
See Highways; Waters and Water Courses.		RECIPROCITY LAWS.	
PUBLIC LANDS.		See Delaware State, Maryland State of, New Jersey State of.	
See Lands (Public).		RECORDING FEES.	
PUBLIC OFFICERS.		See Fees.	
See Officers (Public).		RECORDING ACTS.	
PUBLIC PROPERTY.		Recorder of Deeds of Philadelphia empowered to take acknowledgements of deeds for real estate in any part of the Commonwealth, 347	
See Property (Public); Lands (Public).		All deeds under act regulating partition of lands to be recorded within six months,	340
PUBLIC SALES.		Ordinances of the City of Philadelphia and District of Southwark to be enrolled in the office for recording deeds in Philadelphia county, 433	
See Auctions and Auctioneers.		Recording fees,	432
PUBLIC SCHOOLS.		Copies to be furnished the clerk of Quarter Sessions of the records of roads in Philadelphia county, ..	70
See Colleges and Schools.		Such copies shall be deemed matters of record,	70
PUMPS.		Duplicate plots of the boundary lines run between Bedford and Huntingdon counties; Huntingdon and Somerset counties; and Westmoreland and Somerset counties to be made and deposited in the Recorder of Deeds Office of the respective counties,	89
Tax to be laid in the Northern Liberties in accordance with an act to support, etc.,	452	Deeds barring estates tail or confirming estates tail heretofore sold, to be recovered in the county where the land lies,	149
QUARANTINE. See Health Laws.		REFORMED CHURCHES.	
QUARANTINE MASTER.		See Churches.	
See Health Laws.			
QUARTER SESSIONS COURTS.			
See Courts.			
RANKIN, ELIZABETH.			
See Acts of Assembly (Private).			
RANKIN, JESSE.			
See Acts of Assembly (Private).			
RANKIN, JOHN.			
See Acts of Assembly (Private).			

- | | Page. | | Page. |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|-------------------------------------------------------------------------------------|-------|
| REGISTER-GENERAL. | | RIVERS. See Schuylkill River. | |
| See Officers (Public). | | BRIDGES. | |
| Certificates to Pennsylvania claimants to be signed by, and to be invalid without his signature, | 473 | See Schuylkill River; Bridges; Waters and Water Courses; Lehigh Navigation Company. | |
| Appropriation to pay clerks in the office of the, | 491 | ROADS. See Highways. | |
| REGISTER'S COURTS. | | ROMAN CATHOLIC CHURCHES. | |
| See Courts. | | See Churches. | |
| REGULATORS. | | ROYAL MARINE OF FRANCE. | |
| Appointed for Frankford borough, | 444 | See Actions Against the Commonwealth. | |
| Their powers and duties, | 444 | RULES OF COURT. See also Courts. | |
| RELIGIOUS CORPORATIONS. | | Rules of Circuit Court to be prescribed by the judges of the Supreme Court, | 206 |
| See Corporations. | | How such rules to be entered, enforced and certified, | 206 |
| RELIGIOUS SOCIETIES. | | RYE FLOUR. | |
| See Churches. | | How to be packed marked and branded when intended for exportation, | 482 |
| RENISON, JOHN. | | How to be inspected before exportation, | 42 |
| See Acts of Assembly, (Private). | | Proceedings if condemned, | 483 |
| RENT. | | May be packed in hogsheads, | 483 |
| See Landlord and Tenant. | | Construction, dimensions and making of such hogsheads, | 483 |
| REPRESENTATION. | | Fees for inspection, | 483 |
| See General Assembly; Senate; Congress. | | May be branded "fine" in addition to other markings, | 484 |
| REPRESENTATIVES. | | To be inspected as such, | 484 |
| See House of Representatives. | | Proceedings if condemned, | 484 |
| RESIDENT PHYSICIAN. | | Disputes over inspection, how to be settled, | 484 |
| See Health Laws. | | Fines and forfeitures of former act to apply to, | 485 |
| RESERVATION. | | Fines and penalties, how to be recovered and applied, | 485 |
| See Lands (Public). | | SAINT AUGUSTIN'S ROMAN CATHOLIC CHURCH. | |
| RETURN DAYS. | | See Churches; Lotteries. | |
| See Practice and Procedure. | | SAINT JOHN'S CHURCH, WEST CALN, CHESTER COUNTY. | |
| RETURNS OF ELECTIONS. | | See Churches. | |
| See Elections. | | SAINT JOHN'S PROTESTANT EPISCOPAL CHURCH OF YORK. | |
| REVIVAL OF ACTIONS. | | See Churches. | |
| See Practice and Procedure. | | | |
| RICHARDSON, ARNOLD. | | | |
| See Acts of Assembly (Private). | | | |
| RIDLEY MEADOW COMPANY. | | | |
| See Marsh and Meadow Lands. | | | |
| RITTENHOUSE, DAVID. | | | |
| Treasurer of the Commonwealth to obtain the transfer of certain stock and certificates, together with the interest paid thereon from the representatives of, | 578 | | |
| And thereupon the treasurer to execute a bond of indemnity to the heirs, etc., of, | 578 | | |

	Page.		Page.
SALARIES.		SENATE—Continued.	
Existing salaries of the judges of the Supreme Court, the Secretary of the Commonwealth and the presidents of the courts of Common Pleas continued,	118	State divided into districts and number of senators to be selected by each fixed,	583
Act increasing salary of Deputy Secretary of the Commonwealth continued,	187	Ratio of representatives in the,	583
SALES.		Elections in districts composed of more than one county where to be held and how to be conducted and returned,	584
See Auctions and Auctioneers; Decedents Estates.		Elections of senators to be held as prescribed in the constitution and laws of the State,	586
SANDY LICK CREEK.		SENECA INDIANS.	
See Waters and water Courses.		See Indians.	
SCHOOL MASTERS.		SERVANTS.	
To be exempt from taxation,	379	See Master and Servant, Apprentices; Slaves.	
SCHOOLS.		SERVICE OF PROCESS.	
See Colleges and Schools.		See also Practice and Procedure.	
SCHOOL HOUSES.		Civil process not to be served on militiamen while training or while going to or coming from place of training,	302
See Colleges and Schools; Lotteries.		SET OFF. See Landlord and Tenant.	
SCHUYLKILL RIVER.		Allowed in cases of distress for rent under \$53.33,	189
See Bridges; Waters and Water Courses.		SEVENTEEN TOWNSHIPS, LUZERNE COUNTY.	
SCIRE FACIAS.		See Lands (Public); Luzerne County.	
See Practice and Procedure.		SHAVER'S CREEK.	
SEAT OF GOVERNMENT.		See Waters and Water Courses.	
See Government.		SHERIFF.	
SECRETARY OF THE COMMONWEALTH.		Return of, in case where a discharged insolvent debtor is arrested during vacation,	103
See Officers (Public).		To publish notice of general elections,	174
Existing salary of, continued,	118	Penalty for failure,	174
Act increasing salary of deputy secretary continued	187	Penalty for refusing or neglecting duties, under act governing general elections,	179
Reads abridgement of Laws of Pennsylvania when completed to be deposited in office of,	398	Notice of any change of place of election in Philadelphia to be published by sheriff,	180
SELECT COUNCILS.		Penalty for failure to do so,	180
Powers of, in Philadelphia,	346	Account of sheriff of Philadelphia for removing prisoners during an epidemic, to be adjusted and paid by county commissioners,	211
Vacancies in how to be supplied, ..	346		
SEMINARY.			
See Colleges and Schools.			
SENATE. See General Assembly.			
Provisions for distributing the journal of the, among the different counties,	272		
Provisions for distributing them in the counties,	272		
Apportionment of senators for Allegheny, Beaver, Butler, Mercer, Crawford, Erie, Warren, Venango, Washington, Greene, and Armstrong counties,	461		

	Page.
SHERIFF—Continued.	
Power, of, to whom writ of partition is directed when lands lie in different counties,	340
SHIPPEN, EDWARD.	
See Acts of Assembly (Private).	
SHIPS AND SHIPPING.	
See Health Laws.	
SINKING FUND.	
Fund established for redeeming bridge over Schuylkill river and making it free,	42
SLAVES.	
Separate lists, of, to be made by assessors when making enumeration of taxables,	434
SLOPES.	
See Waters and Water Courses.	
SLUICES.	
See Marsh and Meadow Lands.	
SMITH, JONATHAN BAYARD.	
See Acts of Assembly (Private).	
SOCIETIES.	
See Corporations.	
SOCIETY FOR THE RELIEF OF DISTRESSED AND DECAYED PILOTS, THEIR WIDOWS AND CHILDREN.	
See Corporations.	
SOMERSET COUNTY.	
Fifth election district of, Somerset county erected,	60
Place of holding elections therein fixed,	60
Commissioners appointed to run part of the boundary line between Huntingdon county and,	88
Also between Westmoreland and, ..	89
Duplicate plots of the lines run to be made and deposited in the Recorder of Deeds office,	89
Expenses, how to be paid,	89
Part of Bedford County annexed to, ..	424
Electors thereof to hold their general elections in Berlin,	424
Line to be run and reports to the quarter sessions of each county, and there to be recorded,	425

	Page.
SOMERSET COUNTY—Continued.	
Expenses, how to be defrayed,	425
Suits pending, disposition of,	425
Taxes previously laid to be paid to Bedford county,	425
Annexed to the fourth district,	486
Time of holding common pleas and quarter sessions courts in fixed, ..	486
Sixth election district of, erected, ..	505
Place of holding general elections therein fixed,	505
Place of holding general election in part of Quemahoning township, changed,	505
Together with Bedford and Huntingdon counties to compose a district and elect one senator,	583
To elect one representative,	585
SOUTHWARK. DISTRICT OF.	
How and when constables for Southwark are to be elected and appointed,	191
Security to be entered for faithful performance of their duties,	192
Penalty on constables or anyone for them purchased at execution sale, ..	192
Part of former act relating to election or appointment of high constable for Southwark repealed, ..	193
Repeal of part of former act, which regulates the size of wheels of wagons and carts, owned by inhabitants of the, and used in the city of Philadelphia,	255
Ordinances of, to be enrolled in the office for recording of deeds in the county of Philadelphia,	432
Recording fees,	432
Number of election inspectors to be chosen in,	440
SPECIAL ELECTIONS.	
See Elections.	
STATE. See Commonwealth.	
STATE CAPITAL.	
See Capital (State).	
Appropriation for the removal of the seat of government from Philadelphia to Lancaster,	491
STATE HIGHWAYS.	
See Highways.	

	Page.		Page.
STATE ISLAND.		SUPREME COURT. See Courts.	
Lazaretto on, authorized to be sold and proceeds applied to building new lazaretto on Tinicum Island, 541		SURETYSHIPS.	
STATE OFFICERS.		See Bail; Bonds.	
See Officers (Public).		Suits against sureties, on bonds of public officials to be brought within seven years from date when right of action accrued, ... 134	
STATE REPRESENTATIVES.		SURVEYOR GENERAL.	
See General Assembly.		See Land Office.	
STATE ROADS.		Fees of the office of, fixed, 271	
See Highways.		Part of former act regulating the same repealed, 271	
STATE SENATORS.		SURVEYS.	
See General Assembly.		See also Boundaries; Lands (Pub- lic).	
STATE TAXES.		Appropriation to pay for surveying of land heretofore granted to Cornplanter a Seneca Indian Chief, 7	
See Taxation.		Provisions for settling accounts of certain surveys, 555	
STATE TREASURER		Method of paying such accounts, .. 555	
See Officers (Public).		SUSQUEHANNA COMPANY.	
STATES.		Repeal of the limitation act so far as it affects, 453	
See Connecticut, State of; Delaware, State of; Maryland, State of.		SUSQUEHANNA RIVER.	
STATUTES AT LARGE OF PENNSYL- VANIA.		See Waters and Water Courses.	
See Acts of Assembly.		SWATARA CREEK.	
STAVES AND HEADING.		See Bridges; Lotteries; Waters and Water Courses.	
Fees to be paid by exporter to in- spector of, increased, 51		SWINE. See Animals.	
STAY OF EXECUTION.		TAXATION.	
See Practice and Procedure.		David Jones, tax collector, to be sued, and entitled to the benefits of a former act, 9	
STEIN, JOHN.		Commissioners of Westmoreland County empowered to appoint as- sessors and assistants, 10	
See Acts of Assembly (Private).		Power of commissioners, assessors and assistants, 10	
STOCK.		Tax to be raised for defraying the cost of erecting poor houses and maintaining the poor, etc., in Lancaster and Chester Counties, . 17	
See Bridges, Corporations; Lehigh Navigation Company.		How taxes to be collected in Wayne County, 65	
STRAYS.		Acts relating to county rates and levies revived and continued, ... 95	
Disposition of, found on land of Rid- ley Meadow Company, 416			
SUITS.			
See Courts; Actions against the Commonwealth.			
SUPERVISORS OF HIGHWAYS.			
See Highways.			
Duty of the, to view the rivers Schuylkill, Susquehanna and Jun- lata, or their branches, and give notice of any fish dams, baskets or pounds erected therein, 269			
Penalty of any supervisor failing to perform the duties required of him, 269			

	Page.		Page.
TAXATION—Continued:		TERMS OF COURT.	
Penalty for assessors or assistants failing to perform their duties, .	437	See Courts.	
Limitation of prosecutions,	437	TESTATUM EXECUTION.	
Tax to be laid in the Northern Liberties in accordance with an act to establish a nightly watch, provide lamps and support pumps, .	452	To be a lien on lands only from the time of the delivery thereof to the sheriff,	206
Commissioners of Westmoreland County authorized to assess county rates and levies for Armstrong County,	465	TESTIMONY.	
Accounts, how to be kept and moneys applied,	465	See Evidence.	
Commissioners of Crawford County authorized to assess county rates and levies for Mercer, Erie, Warren and Venango Counties,	465	TILGHMAN, WILLIAM.	
Accounts how to be kept and moneys applied,	465	See Acts of Assembly (Private.)	
Commissioners of Allegheny County authorized to assess county rates and levies for Beaver and Butler Counties,	465	TINICUM ISLAND.	
Accounts thereof, how to be kept and moneys applied,	465	Lazaretto on State Island authorized to be sold and proceeds applied to building new lazaretto on, .	541
Existing assessments made by commissioners of Allegheny County, how to be applied,	465	TITLES.	
Proceedings to collect arrearages of state taxes and settle the accounts of county treasurers,	519	See Land Titles.	
When such proceedings to be begun, .	519	TOBY'S CREEK.	
Powers of comptroller-general and register-general in such proceedings,	519	See waters and water courses.	
Such settlements to be subject to appeal,	519	TOLLS.	
Act to be published in newspapers, .	520	See Bridges; Highways; Lehigh Navigation Company,	
Comptroller-general and register-general to be allowed expenses, .	520	Commissioners of Delaware County empowered to impose and collect tolls on the road leading south from Philadelphia through Darby and Chester,	317
Appropriation for carrying act into effect,	520	Rates of toll, and appropriation thereof,	318
		Toll gates to be erected,	318
		Accounts of commissioners, how to be kept and settled,	319
		Foot passengers to travel thereon free of toll,	319
		Duration of act limited,	319
TEACHERS.		TOLL ROADS.	
See School Masters. .		See Highways.	
TENANTS.		TOWN LOTS.	
See Landlord and Tenant.		See Lands (Public.)	
TENANTS IN COMMON.		TOWNSHIPS.	
See Partition.		(See the several townships separately indexed under their own names.)	
		TRADE.	
		See Flour; Rye Flour; Indian Corn, Flour.	

	Page.		Page.
TREASON.		TURNPIKES.	
See Escheat.		See Highways.	
TREASURER.		UNITED STATES.	
See officers (Public); County Treasurers.		Bank of Pennsylvania empowered to make a loan to, 160	
TREASURER OF THE COMMONWEALTH.		Proceedings in relation thereto, .. 160	
See Officers (Public.)		UNITED STATES CERTIFICATES.	
TRESPASS, ACTION OF		See Certificates.	
See Justices of the Peace; Aldermen of Philadelphia; Aldermen's Court of Philadelphia.		UNSEATED LANDS.	
Special bail in certain actions of, 545		How to be assessed, 388	
TRUSTEES.		Collection of taxes thereon to be stayed until notice given, 388	
See Churches. Colleges and Schools.		Proceedings in such cases, 388	
David Boal appointed an additional trustee in Mifflin County, in place of John Stewart, deceased, 14		UNIMPROVED LANDS.	
Appointed to select places of erecting poor houses, in Lancaster and Chester Counties and report same to Quarter Sessions, 18		See Partition.	
Trustees under the marriage articles of Jonathan Williams and Mariamne Alexander, his wife, empowered to sell the trust estate and reinvest the proceeds in more productive property for the same uses, 235		VAN HORNE, ISAAC.	
Provisions for supplying a vacancy in or changing trustees, 235		See Acts of Assembly (Private.)	
Appointed for Adams County, 295		VICE-PRESIDENTIAL ELECTORS.	
Powers of Trustees of Greene County transferred to County Commissioners, 396		See Elections.	
Appointed for Crawford, Beaver, Erie, Warren, Venango, Butler, Mercer and Armstrong Counties, 463		VENANGO COUNTY.	
Their powers and duties, 463		Parts of Allegheny and Lycoming Counties erected into, 458	
TRUSTEES IN BANKRUPTCY.		Boundaries of, 458	
See Bankruptcy.		Courts to be held at Franklin, 458	
TRUSTEES OF THE GENERAL ASSEMBLY OF THE PRESBYTERIAN CHURCH IN THE UNITED STATES OF AMERICA.		Governor to appoint commissioners to run boundary lines, 458	
See Churches.		Commissioners appointed to run a boundary line of, to do so within a certain time, 460	
TURNBULL, WILLIAM.		Return of taxable inhabitants in, .. 460	
See Actions against the Commonwealth.		Crawford, Warren, Erie and to form one county called Crawford County, and to have all county privileges, 460	
		Apportionment of representation in the Legislature and of senators and representatives in Congress for, 461	
		When entitled to be represented separately, hold courts and elect officers, 463	
		Trustees appointed, 463	
		Their powers and duties, 463	
		Commissioners of Crawford County authorized to assess county rates and levies for, 465	
		Accounts, how to be kept and monies applied, 465	

	Page.		Page.
WARREN, TOWN OF—Continued.		WATERFORD, TOWN OF—Continued.	
Courts of Warren County to be held at,	457	Preemption continued in favor of purchasers, provided they apply within twelve months and pay for the same,	411
Act relative to the sale of town and out lots in, extended for one year, 568		Act relative to the sale of town and outlots in, extended for one year, 568	
WASHINGTON COUNTY.		WATERS AND WATER COURSES.	
Times fixed for holding courts of common pleas and quarter sessions in,	112	See also Canals; Lehigh Navigation Company.	
Sixth election district of, erected, ..	117	Commissioners appointed to draw a lottery to raise money for erecting piers, wharves, etc., for securing the banks of the Allegheny and Monongahela Rivers within Pittsburgh,	50
Place fixed for holding elections therein,	117	Scheme of lottery to be submitted to Governor,	50
New election district erected in, ..	316	Prizes, when to be paid,	50
Boundaries thereof,	316	Qualification and duties of commissioners,	51
Place of holding elections therein fixed,	316	Accounts to be settled,	51
Parts of, and Allegheny County erected into Beaver County, ...	454	Limitation of time for demanding prizes,	51
Continuance of process in, notwithstanding passage of act,	461	Pine Creek in Lycoming County declared a public highway,	60
Apportionment of senators for, ...	461	Obstructions to navigation may be removed and slopes at mill dams erected,	60
Part of, temporarily annexed to Allegheny County and to be subject to the jurisdiction of its courts, 461		Persons heretofore authorized may erect dams, provided they are so constructed with slopes and locks as not to injure the navigation, ..	61
Election district erected and place of holding elections therein fixed, 461		Parts of Ohio and Allegheny Rivers Big Beaver Creek, French Creek, Conewago Creek, Little Conlate Creek, Toby's Creek, Oil Creek, Broken Straw Creek and Sandy Lick Creek, declared public highways,	69
One thousand dollars appropriated to Canonsburg Academy, in, for purchase of library and education of poor children,	469	Frankford Creek, Philadelphia County, declared a public highway 148	
Number of poor children and length of time they are to be taught limited,	470	Obstructions to navigation may be removed,	148
Time of holding common pleas and quarter sessions courts in, fixed, 486		Bridge on Bristol Road not to be affected,	148
Two separated election districts erected in,	498	Benjamin Herr empowered to erect a mill dam on the Allegheny River,	194
Boundaries thereof,	498	May lead off water necessary to supply water works,	194
Places fixed for holding elections therein,	498		
Sixth election district of, enlarged, 499			
Elections therein to be held as formerly,	499		
To compose a district and elect one senator,	583		
To elect four representatives,	585		
WATERFORD, TOWN OF.			
See Lands (Public.)			
Repeal of improvement clause as to lots in,	410		

Page.

WATERS AND WATER COURSES—Continued.

Dam to be erected so as not to interfere with navigation or passage of fish,	450
Private and corporate rights not to be interfered with,	450
Fishing in Juniata River and its branches regulated,	501
Penalty for violation,	501
James Hulings authorized to erect a wing dam on French Creek, Venango County, and to lead off water necessary for his mills, ..	507
Not to obstruct navigation or prevent passage of fish,	507
Complaints against him, how to be made, and acted upon,	508
Penalty for offence against act	508
Obstructions opposite dam to be removed,	508
Roger Alden authorized to erect a wing dam on French Creek, Crawford County and to lead off water necessary with private property, ..	509
Complaints against dam, how to be made and acted upon, and penalty on conviction of any offence,	509
Neshannock Creek, Mercer County, declared a public highway,	511
Obstructions may be removed therefrom provided private property is not injured,	511
Dams previously authorized may be erected provided they are constructed so as not to interfere with navigation or the passage of fish,	512
Commissioners of lottery for raising money for erecting piers for securing the banks of the Allegheny and Monongahela Rivers directed to return moneys paid for tickets,	517
How such money to be recovered upon refusal of Commissioners to pay the same,	517
Part of act authorizing such lottery repealed,	517

Page.

WATERS AND WATER COURSES—Continued.

Susquehann river down to the Maryland line declared a public highway, from which the obstructions may be removed,	553
Parts of the rivers Codorus and Conewago declared public highways,	580
Obstructions in said rivers, how to be removed,	580
Slopes and locks may be erected at dams provide they do not injure the dams,	580
Rights of parties previously authorized to erect dams on such rivers not to be affected provided they construct their dams in accordance with the directions of the act,	580
Supervisors of such rivers appointed,	581
Proceedings and penalties on transgressions against provisions of act,	582
Penalty for obstructing the navigation or the passage of fish on said rivers,	582
Sluices may be made in dams provided they are kept open during certain months under a penalty, ..	583
Penalty for fishing in said rivers during certain seasons,	583

WATER WORKS.

See Waters and Water Courses.

WATTS, DAVID.

See Acts of Assembly (Private.)

WAYNE COUNTY.

Part of Northampton County erected into,	64
Inhabitants entitled to same rights as inhabitants of other counties, ..	65
Courts, where to be held,	65
Suits commenced in courts of Northampton County not to be affected,	65
Taxes and militia fines, how to be collected,	65
Officers to give security,	65

	Page.		Page.
WESTMORELAND COUNTY—Continued.		WIKOFF, PETER.	
Duplicate plots of the lines run to be made and deposited in the Recorder of Deeds' office,	89	See Acts of Assembly (Private.)	
Expenses, how to be paid,	89	WILLIAMS, JONATHAN.	
Borough of Greensburg incorporated,	157	See Acts of Assembly (Private.)	
Appropriation for paying a corps of militia on service in 1794 in, ..	274	WILLIAMS, MARIAMNE ALEXANDER.	
Fund out of which same is to be paid,	274	See Acts of Assembly (Private.)	
Commissioners of, to hold special election for assessors and assistant assessors of several townships,	399	WILSON, WILLIAM.	
Parts of, and Lycoming and Allegheny Counties erected into Armstrong County,	459	See Acts of Assembly (Private.)	
Armstrong County temporarily annexed to,	459	WILLS.	
Courts of, to have temporary jurisdiction in Armstrong County,	459	See Decedents Estates.	
Continuance of process in, notwithstanding passage of act,	461	WING DAMS.	
Armstrong County and, to elect three representatives,	461	See Waters and Watercourses.	
Commissioners of, authorized to assess county rates and levies for Armstrong County,	465	WITMER, ABRAHAM.	
Accounts, how to be kept and moneys applied,	465	See Bridges.	
Time of holding common pleas and quarter sessions court in, fixed, ..	486	WITNESSES.	
Trustees of the Lutheran Church, Hempfield township, authorized to convey a certain tract of land, ..	520	See Courts. Practice and Procedure. Evidence.	
Fifth election district of, enlarged,	554	Persons summoned as, excused from militia duty,	392
Place fixed for holding elections therein,	554	WITNESSES, DISQUALIFICATION OF.	
Together with Armstrong county to compose a district and elect one senator	583	See Aldermen of Philadelphia; Burgesses, Philadelphia, City of; Juries and Jury Trials; Health Laws.	
Together with Armstrong county to elect three representatives,	585	WRITS.	
		See Practice and Procedure. Partition.	
WHARVES.		YORK COUNTY.	
See Philadelphia, Port of. Waters and Water Courses.		Part of erected into Adams county,	392
Commissioners of Philadelphia county authorized to sell and convey a part of the public landing in the Northern Liberties,	548	Officers of, to continue to act until similar officers are appointed to: Adams county,	393
Appropriation of the grounds,	548	Governor authorized to a point commissioners to run boundary line between York and Adam counties,	394
		When courts of quarter sessions are to be held in,	481
		Time fixed for holding common pleas and quarter sessions courts in, ..	486
		Parts of Manheim, Heidelberg, Paradise and Codorus townships in, erected into the second election district,	524
		Place of holding elections therein fixed,	524
		Newbury township erected into the third election district,	525
		Place of holding elections therein fixed,	525

